

Space

How Satellites Uncover Top Secrets

Two spacecraft, one emblazoned with the initials CCCP, the other USAF, re-entered the earth's atmosphere earlier this month to splash into a sea of mystery.

They were not displayed on nationwide television, there were no reams of press releases, in fact, nothing was said about the completion of the missions of the spacecraft.

Yet their descents were followed by batteries of radars deployed around the world by the United States and the Soviet Union and the time and place of re-entry, June 14 over the Pacific for the American spacecraft, last Monday over the Soviet Union for the Russian, were chalked up on status boards of space defense command posts in both countries.

Both sides knew that the spacecraft, the Soviet Cosmos 286 and the American Air Force Agena D, were spy satellites that had been photographing tens of thousands of square miles of the other country's territory. The high resolution cameras aboard both craft snapped hundreds of pictures of missile launching sites, submarine pens, munitions factories and airfields.

These secret vehicles were but two of the more than 400 military satellites that have been launched by the two great powers during the last 10 years, a decade in which more military spacecraft have been launched than those designed for scientific uses of space.

Stumbling Block Removed

There also have been indications in recent months that on-site inspection, one of the key stumbling blocks to a disarmament pact between the two nations, might not be necessary because of the success that spy satellites have had in examining the defenses of both sides.

Statesmen and generals on both sides, including former President Johnson and former Soviet Premier Nikita S. Khrushchev, have boasted that the data obtained by the spy-in-the-sky satellites have laid bare the best kept military secrets of both countries. Mr. Khrushchev, who was sorely annoyed by the first flights of American reconnaissance satellites over the Soviet Union, once jokingly offered to trade spy satellite pictures with President Kennedy—but only after the Soviet system had gone into operation.

Soviet spy satellites such as Cosmos 286 are launched from cosmodromes near Plesetsk, 500 miles north of Moscow, and Tyuratam, the Soviet equivalent of Cape Kennedy on the Aral Sea. They are launched at an angle of 65 degrees above the equator, which takes them over the entire North American land mass on altitudes ranging from 90 to 225 miles. Most of the military Cosmos flights—the Cosmos label also is applied to scientific missions—are eight to 16 days long.

The Russians retrieve their

film packages by bringing the spacecraft back to earth. The United States has two methods of recovering film: Ejecting it from orbiting spacecraft in containers called cassettes which float to earth by parachute and are picked up over the Pacific by specially equipped planes trailing snag lines; and retrieving the entire photographic and sensing systems the same way.

The first American spy satellite, called Samos, was launched in 1960 and was dutifully celebrated in an Air Force press release. But by the following year the Air Force stopped making routine announcements of Samos launchings and pretended that they did not exist, although about 70 have been put into orbit since.

Another version is the Project 770 series which uses an Agena spacecraft containing a radar antenna that can look ahead and to either side to map large swatches of terrain. Its radar microwaves can penetrate clouds so that the system can operate even if the target is obscured by bad weather.

A different class of military satellite is of the Project 823 and Midas series which carry instruments sensitive to heat, ultraviolet and X-rays and are

used to detect nuclear explosions and missile exhausts.

Another group of American spy satellites is equipped with electronic eavesdropping gear that monitors Soviet and Chinese military radio channels and radar frequencies. According to one report, these are able to turn on from space ground-based transmitters of other countries which normally are switched off when the satellite is orbiting overhead.

A newer military spacecraft, which first was launched last year, is dubbed IS for integrated satellite. It carries still cameras, television equipment and instruments that can detect infrared radiation which could disclose underground factories or missile launching sites.

The high sophistication of the IS satellites may have doomed the Air Force's manned orbiting laboratory, or MOL program, which was cancelled earlier this month. In making the announcement, David Packard, Deputy Secretary of Defense, said that MOL was dropped in part because of "advances in automated techniques for unmanned satellite systems," in other words spy-in-the-sky satellites.

—RICHARD D. LYONS

PENTAGON DROPS AIR FORCE PLANS FOR ORBITING LAB

Cancellation Is Called Major
Step in Cutting the Budget
for Military Spending

NASA EFFORT TO GO ON

Project for Manned Station
Had Cost \$1.3-Billion—
Duplication Charged

By JOHN W. FINNEY
Special to The New York Times

WASHINGTON, June 10—The Defense Department, after spending \$1.3-billion on the project, canceled today the Air Force's manned orbiting laboratory program as "a major step" toward reducing the military budget.

In a statement read by Deputy Defense Secretary David Packard at a Pentagon news conference, the Defense Department said the principal reason for canceling the Air Force's manned space flight program was the "urgency of reducing Federal defense spending."

The cancellation was announced shortly before the House, by a 328-to-52 rollcall vote, approved legislation authorizing a \$3.9-billion budget for the National Aeronautics and Space Administration in the coming fiscal year. About half the money would go for manned space flight, including development of a manned orbiting laboratory similar to that being worked on independently by the Air Force.

Amendment Rejected

The bill authorizes \$250.8-million more than was requested by the Nixon Administration, with most of the increase going for manned space flight and the development of Apollo spacecraft into an orbiting laboratory.

project, the Air Force has lost the major part of its role in space and is relegated to the operation of unmanned and unpublicized satellites.

After a brief, routine debate, the House rejected by a voice vote an amendment by Representative Edward I. Koch, Democrat of Manhattan, that would have removed \$205-million from NASA's manned space

flight budget.

With no evident sympathy from the rest of the House, Mr. Koch argued that it was "at least unwise and at most outrageous" for Congress to be increasing spending for manned space flight "in the light of the urgent economic and social problems faced by people on earth."

Supporters of the Koch amendment noted regretfully that the House spent considerably more time and emotion considering and approving an amendment by Representative Richard L. Roudebush, Republican of Indiana, specifying that only the United States flag be placed on the moon by the Apollo astronauts.

The Air Force's manned orbiting laboratory program—or MOL, as it came to be called within the Pentagon—was designed to place a 15-ton, two-man spacecraft in earth orbit. The stated purpose was to test "the extent of man's utility in space for defense purposes," such as conducting reconnaissance of the earth or inspection of potentially hostile spacecraft.

Duplication Charged

In recent years there have been rising complaints in Congress—and privately within some civilian space circles—that the MOL project duplicated and overlapped the space agency's manned space flight program.

Until now, these complaints have been rejected by the Pentagon and, at least publicly, by the space agency. Their basic rebuttal has been that the MOL program would carry out certain secret military projects that were not contemplated in the Apollo space program and the post-Apollo space station program now planned by the space agency.

As was tacitly admitted in the Pentagon announcement what brought the cancellation about was the rising pressure in Congress for a reduction in the Defense budget.

tion, the Pentagon announcement said "we fully recognize" that the military budget was receiving "intense scrutiny" in Congress. One of the principal targets of the Congressional economizers in the Senate was the MOL project.

"In keeping with the spirit and intent of these reviews, the MOL cancellation will be a major step in reducing the budget," the announcement said.

The cancellation, however, may have the unintended reverse effect of strengthening a widespread Congressional belief that through lack of direction

and foresight there is considerable waste in the Pentagon's weapons development programs.

The \$1.3-billion spent on the MOL project will now be added to the \$9.3-billion—according to Pentagon figures—that has been spent since 1951 on major weapons programs that were later abandoned. According to an estimate made by Senator Stuart Symington, Democrat of Missouri, in the Senate, the total comes closer to \$23-billion.

One of the reasons given by the Pentagon for the cancellation of the program was the advances that have been made in recent years in automated, un-

manned satellites for such purposes as navigation, communications and meteorology. Not mentioned by the Pentagon were the rapid strides that have been made in using satellites for detailed photographic reconnaissance.

First conceived of by the Air Force in the early nineteen-sixties, the MOL project was the consolation prize given the Air Force after the civilian space agency was created and given the primary responsibility for conducting the nation's manned space flight program.

Initially, as its competitor to the space agency's manned space flight programs, the Air

Force had the DynaSoar project to develop a manned "space glider." When the DynaSoar project was terminated in 1963 after an expenditure of \$405-million, Defense Secretary Robert S. McNamara gave the Air Force permission to proceed with the MOL.

The cancellation came as the project, after many delays, was approaching the flight test stage of unmanned components.

Spy Planes' Role

Experts Say Aircraft Get Data Unobtainable With Other Methods

Crewmen Analyze Electronic Signals to Assess Strength Of Potential U.S. Enemies

The Limitations of Satellites

By ROBERT KEATLEY

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — The lumbering U.S. spy plane that North Korea downed "with one shot" earlier this week—perhaps as a bloody birthday present for that harsh land's Stalinist dictator, Kim Il-sung—was on an intelligence mission still too complex for space age satellites to handle alone.

Its primary mission: To learn everything possible about what Pentagon experts call a potential enemy's "electronic order of battle."

Though some spy satellites (notably a supersecret one tagged "Ferret") engage in similar snooping, military intelligence officials believe they need more detailed information than is currently available from space vehicles that do their prying safely from 100 miles or so above the earth. "This kind of work takes detailed, painstaking, day-after-day work and requires human minds and hands and eyes to do correctly," says a Pentagon source.

Analyzing the electronic order of battle involves tedious recording of all obtainable information about a potential foe's radar, radio, missile guidance and other electronic systems. What electromagnetic frequencies are used, what locations have equipment, what ranges this gear has and what command and control system ties them together are among the facts sought.

A Typical Mission

The data are specific and practical, in a military sense. Experts here offer an example, probably not so hypothetical, of the value of information obtained about North Korea.

Because weather is often bad in that northern climate, various electronic landing systems have been installed at North Korea's military airfields to improve the all-weather operating ability of its 590 or so combat aircraft. Knowing just how well this equipment works is valuable to American military men. If, for example, hostilities broke out between the two Koreas (Pyongyang continually blusters about "liberating" the south), and bad weather brought visibility in the north down to, say, 300 feet, could Premier Kim's planes function?

The old, slow-moving Lockheed aircraft that patrol off the North Korean coast at around 20,000 feet are supposed to find answers to such questions. Constantly recording information about airport landing systems and watching flight patterns in varying weather conditions,

experts try to draw a profile of the system's capabilities. This involves studying similar signals again and again, looking for deviations that might indicate that new and better equipment has been recently installed.

It is this sort of detailed surveillance, involving instant analysis by electronic experts as signals are received, which experts say makes the lonely patrols of the unarmed spy planes still necessary. Defense Secretary Melvin Laird affirmed this view yesterday when he said the lost plane was on "an assignment essential to U.S. security."

Help for SAC

Knowing precisely the conditions under which the other side's planes can function is just one example of the information the Strategic Air Command uses in its endless revision of operating plans, according to a man with extensive experience in Government intelligence at senior levels. "SAC worries constantly about penetration of enemy defenses," he says. "So it wants to update its knowledge of them continually—what radars are there, what missiles, how they are operated, what communications systems are used." If an attack ever were ordered, military tacticians would need such data to decide how to avoid, jam or destroy the defenses.

Using satellites, the expert continues, is not as easy or always as reliable in such detailed operations. The spy planes contain some six tons of electronic equipment, which is more than a space vehicle can carry, and all this gear enables them to perform a wider variety of specific snooping jobs. In addition, a satellite may go dead because of battery failure or other breakdown. Its radio signals sent earthward for American experts to analyze may be intercepted by the other side, thus disclosing the limits of U.S. satellite intelligence. If the satellite is of a type that carries its data back to earth, failure to retrieve its equipment-laden nose cone upon reentry may wipe out all the information gathered in space.

Manned airplane missions "may be cut back as satellites become more advanced," the intelligence authority says, "but it is still not possible to replace all the flights with automatic equipment."

Both the Air Force and the Navy conduct such flights around much of the Communist world. They have become so routine, in fact, that the Pentagon acknowledges ordering 190 of them over the northern Sea of Japan during the first three months of this year.

"Lawful" Flights

"Reconnaissance missions of this type have been flown for more than 20 years," an official U.S. statement says. "Each of these missions constitutes a lawful use of international airspace."

Navy planes are under strict orders to remain more than 40 miles from North Korea; for some reason, this particular flight had specific instructions to remain at least 55 miles from the rugged coastline. "From a variety of sources some of them sensitive, we are able to confirm that at all times during its mission the aircraft was far outside any claimed territorial airspace of North Korea," the Defense Department says. (Pyongyang's airspace claim is apparently the same as its claim regarding territorial water—12 miles from land.)

A Russian ship picked up debris about 85 miles from the nearest piece of North Korea, indicating the plane didn't crash there. However, Pyongyang radio claims the reconnaissance plane of the insolent U.S. imperialist aggressor army . . . was reconnoitering after

Continued From Page One

intruding deep into the territorial air of the northern half of the republic." It claims the North Korean air force "scored the brilliant battle success of shooting it down with a single shot at a high altitude." This may refer to a missile launched from a North Korean MIG.

Just why this plane was downed remains a mystery. The flights have been averaging two a day for months without incident. Unlike the Pueblo, the reconnaissance planes have not gone near Korean territory, the Pentagon claims. But experts offer this grisly explanation in all seriousness: April 15 was Premier Kim's 57th birthday, and he may have decided the occasion was suitable for another blow at the Americans, who absorbed the Pueblo seizure without striking back.

"This was premeditation—no doubt about it," says one analyst. "Kim supports the Che Guevara thesis about fighting the capitalists—every little country should do its bit. They probably scheduled the attack for that day knowing exactly what they could bag."

Shooting down the patrol plane will probably be hailed as a great victory for Premier Kim, who left Korea at age 13 lived in China and Russia and didn't return until the Soviet army drove out the Japanese in 1945. His hard-line Stalinist rule has been marked by bloody purges of former comrades and suspected rivals. Niceties of international law, especially where American military craft are concerned, get short shrift from his regime.

The attack may have been ordered to bolster Premier Kim's prestige both at home and abroad.

North Korean economic progress has come slowly; its "flying horse" development scheme has been mostly earthbound. Perhaps there has been some discreet grumbling about the high cost of defense: Kim pours nearly 25% of the country's \$2.7 billion gross national product into military uses. Though the population is

Soviet Target Shooting In Outer Space Hinted

By George C. Wilson
Washington Post Staff Writer

Russia apparently has been doing some complicated target shooting in outer space—perhaps with the idea of developing a system for knocking down American satellites in wartime.

The indications show up in the U.S. Government's "Satellite Situation Report," which keeps track of the objects that radar can see whirling around the earth.

This log suggests that two Soviet space vehicles—Cosmos 249 and 252—blew up while making a pass at a target Soviet satellite orbiting some 300 miles above the earth.

The non-nuclear explosions could have been designed to test the practicality of destroying another nation's observation or communications satellites in a crisis.

The United States, against the possibility there may be a silent war in space some day, has been quietly working on non-nuclear explosives for such a purpose.

What makes Cosmos 249 and 252 now look like more than just satellite inspectors is the fact that the space log indicates that their rockets blew up in lots of little pieces.

The satellite "target"—if this was indeed an inspection and destruction exercise—stayed intact. Designated Cosmos 248, it flew over the Equator at an angle of 62.2 degrees. The "hunter" vehicles flew at almost the exact same angle. Their rockets may have been purposely blown up after they were a safe distance from the target.

All three vehicles were launched from Russia's Tyuratam space center. While the exercise took place between Oct. 19 and Nov. 1, the data indicating the explosions in space were not published until this year.

Another possibility is that Russia may be experimenting with putting a missile defense

in space, an old Air Force idea named BAMB I for ballistic missile boost intercept. The idea was to catch an ICBM shortly after its launch.

High Pentagon officials in charge of antisatellite efforts have declined to discuss the mysterious Soviet shots. This same official silence cloaked the Soviet FOBS (fractional orbital bombardment system) shots before the Government acknowledged them.

But defense officials did state that the Soviet shots give no cause for alarm. Both the United States and Soviet Union are conducting military space experiments all the time.

Latest figures from informed sources show the Russians are stepping up their military space program. They staged 42 military launches in 1968 compared to 37 in 1967 and 24 in 1966.

This upward trend compares

to a downward one for the United States, with 34 military launches in 1966, 26 in 1967 and 22 in 1968. But the Soviet-U.S. comparison is not direct since the U.S. Air Force often puts up several military payloads in one launch.

As for our own antisatellite efforts, former Defense Secretary Robert S. McNamara told Congress in secret session last year that "we are exploring the development of a non-nuclear surveillance or destruction capability against hostile satellites."

The Pentagon denied a Washington Post story to this effect at the time. Back then, the Minuteman ICBM was seen as a possibility for the antisatellite role. Now the Pentagon sees the long-range Spartan missile killer as the candidate for blinding or destroying enemy satellites if that should ever be required.

U.S. Proposes Nuclear Inspection by

GENEVA, April 8 — The United States today proposed international inspection instead of mutual inspection in any agreement calling for a cut-off in the production of nuclear weapons materials.

Adrian S. Fisher, U.S. negotiator at the nuclear disarmament conference, in what an American spokesman described as a "major shift in U.S. inspection policy," sug-

gested that verification should be carried out by the 101-nation International Atomic Energy Agency (IAEA) instead of bilaterally.

[In Washington, officials said the United States had changed position only in dropping its insistence on unannounced "advisory inspections" in which each country could look for hidden nuclear weapons plants on the territory of a potential enemy. The

United States has always favored IAEA inspection for declared facilities, the officials said, and now feels that improved detection techniques make unnecessary the "adversary inspection" search for undeclared facilities.]

Today's proposal was expected to please non-nuclear countries who have repeatedly called for some reciprocal move on the part of the nuclear powers in exchange for

their agreeing to IAEA inspection under the nuclear nonproliferation treaty.

But it was thought it might prove embarrassing to the Soviet Union, which is reluctant to accept any inspection on its own territory but has called on non-nuclear states to accept IAEA inspection.

The U.S. move also acted as a counterweight to Soviet proposals—rejected by America

International Unit

—for a complete test ban without on-site inspection.

The essential elements of the agreement would be:

- From an agreed date, nuclear-weapons states would halt all production of fissionable material for use in nuclear weapons.
- The production of fissionable material would be permitted for purposes other than use in nuclear weapons, such as power and propulsion reactors and nuclear explosives for peaceful uses.
- The IAEA would be asked to check the nuclear materials in each country's peaceful nuclear activities.

Alexei Roshchin, chief Soviet disarmament negotiator, declined to make any immediate comment.

U.S. EASES STAND IN BID TO RUSSIANS ON ATOMIC OUTPUT

It Would Let International
Unit Verify Halt in Arms
Material Production

ISSUE LONG DEADLOCKED

Move Challenges Soviet to
Accept Formula Patterned
on Nonproliferation Pact

By THOMAS J. HAMILTON

Special to The New York Times

GENEVA, April 8—The United States, in a policy shift, proposed today that the International Atomic Energy Agency in Vienna take over sole responsibility for verifying compliance with a cutoff in the production of nuclear materials for weapons purposes.

Under previous American proposals the Vienna-based agency would have played a role in the long-proposed cutoff, but the United States would have been primarily responsible for checking up on Soviet compliance, and vice versa. Although a cutoff has been under discussion for 13 years, the deadlock over inspection has blocked agreement.

The revised proposal, as submitted to the 17-nation disarmament conference here by Adrian S. Fisher, acting United States representative, in effect challenged the Soviet Union to accept the same kind of inspection to be required of non-nuclear parties to the treaty prohibiting the spread of nuclear weapons.

Treaty Provisions Recalled

Mr. Fisher reminded the conference that the nonproliferation treaty, which was worked out jointly by Washington and Moscow, provides that the International Atomic Energy Agency

work out arrangements with nonnuclear powers to verify their compliance with the treaty within six months after it goes into effect.

Aleksei A. Roshchin, the Soviet representative, told newsmen after the meeting that the United States proposal would be carefully studied and that he did not want to prejudice future negotiations by commenting prematurely.

The United States representative indicated that his Government was now willing to accept a less rigorous inspection system than in its most recent proposal in 1964, for a nuclear cutoff.

Declarations Asked

At that time a United States working paper proposed that the nuclear powers be required to "declare" to the International Atomic Energy Agency the location and capacity of all nuclear materials production plants. Similar information would have been required for the chemical separation plants that collect plutonium from used reactor fuel and the nuclear powers would have been required to allow the agency to inspect these plants to determine whether they had been closed down. In addition, any nuclear

party to the cutoff agreement would have been authorized to accuse another of violating the agreement and would have been permitted to withdraw from the agreement if it did not obtain a satisfactory answer.

Under today's United States proposal, no individual nuclear power would be entitled to bring such charges, and the entire responsibility for verification would rest with the International Atomic Energy Agency, a 101-member body that operates under a special relationship with the United Nations.

The agency, on the basis of its current inspection system, will assuredly not impose as tough an inspection system for the nonproliferation treaty as the United States had envisaged under its 1964 cutoff proposal.

Move Expected to Aid U. S.

Washington's decision to raise the question of a cutoff in production of nuclear material for weapons is expected to improve the United States' standing with the nonnuclear participants in the conference.

Since the resumption of the disarmament session here last month, a number of these delegates have protested against the common stand taken by Washington and Moscow in giving the question of regulation of the military uses of the ocean floor top priority over the two issues emphasized by the United Nations General Assembly last fall: a nuclear cutoff and the prohibition of underground nuclear weapons tests.

On the other hand, Mr. Fisher was adamant in rejecting a plea made last week by Mrs. Alva Myrdal of Sweden for "a political decision" to accept her working paper for the prohibition of underground tests without an international inspection system.

Rejecting Mrs. Myrdal's argument that there would be only one suspected underground test in 10 years, Mr. Fisher asserted that there would be many seismic events each year in the Soviet Union. He insisted that seismographs placed outside Soviet territory could not determine "whether they are earthquakes or nuclear tests up to tens Kilotons of explosive yield." A Kiloton is equivalent to the force of 1,000 tons of dynamite.

Motives Challenged

Mrs. Myrdal had charged that difficulties over inspection were not the real issue and that both the United States and the Soviet Union wanted to continue underground testing because it was necessary to perfect their missile defense systems. In reply, Mr. Fisher declared:

"These are the reasons for our decision—a political decision based on scientific considerations—that adequate verification requires obligatory on-site inspections in addition to seismic detection and identification techniques.

Over the last year the joint efforts of the United States and the Soviet Union to obtain wide acceptance of the nuclear nonproliferation treaty have eliminated the bitter exchanges that used to characterize the disarmament meetings.

In his discussion of the revised American position on a nuclear cutoff, however, Mr. Fisher took a thrust at the Soviet Union, which used to charge that American proposals for on-site inspection represented an attempt to gather military intelligence.

According to an American who was familiar with the negotiations at that time, the Soviet Union never expressed an opinion on a nuclear cutoff itself. It never indicated whether it would consider matching offers made by the United States to allocate part of the American nuclear stockpile for peaceful purposes.

The Soviet Union had assisted Communist China in its earlier stages of its effort to produce a nuclear bomb. However, it withdrew Soviet technicians and nuclear physicists from China in 1959 and 1960, and since then it has been unwilling to supply other allies with nuclear fuels, even on a pledge that these would not be converted into materials for weapons.

"The suitability of I.A.E.A. safeguards should be apparent to all of us who have called on other states to accept them," Mr. Fisher said dryly.

This, an American official remarked, was a polite way of reminding the conference members that while the Soviet Union had joined the United States in urging nonnuclear parties to the treaty to accept inspection by the international agency, it had ignored appeals to accept such inspection itself.

Although the nonproliferation treaty does not provide for any inspection of the nuclear powers, the United States and Britain responded in December, 1967, to protests by the non-nuclear countries with announcements that they would voluntarily place their nuclear facilities under the same I.A.E.A. inspection as other parties to the treaty.

Mr. Fisher renewed a United States offer, as part of a "cutoff," to transfer part of its stockpile of fissionable material to peaceful purposes.

March 17, 1969

CONGRESSIONAL RECORD — Extensions of Remarks

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and Western world opportunities for genuine communication.

Mr. Speaker, I must here cite another contribution Hawaii has made to the United States, three legislators who have served in the House, Representatives MATSUNAGA and MINK, and the Senator from Hawaii, Senator INOUE. In particular, I would refer to the gentlelady (Mrs. MINK) with whom it has been my pleasure to work on the Education and Labor Committee. Mrs. MINK is an effective and articulate champion of legislation to assist retarded children, the handicapped, and preschool children and of other measures to strengthen education at every level.

To these three legislators and the people of Hawaii, I offer my sincere congratulations on this occasion.

PRESIDENT NIXON RIGHT ON ABM DECISION

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1969

Mr. BURTON of Utah. Mr. Speaker, I support the decision of President Nixon to move ahead with a modified antiballistic-missile system. My views are summed up in the statement I issued to the press on Friday last, the date of the President's announcement on this subject. At that time I said:

I believe the President came up with about the best approach to the problem that could be made in view of current world problems. I'm not happy about having to build an ABM system. I'd much rather spend the money to develop water resources, or upgrade education, or make our streets safer, for example. But, with both the Russians and the Chinese continuing to move ahead with their own nuclear capabilities, I think we have no reasonable alternative but to construct the ABM system.

An interesting and incisive commentary on the President's decision was carried in an editorial in the March 15 issue of the Ogden Standard-Examiner. The editorial's message is one with which I agree, and I commend it to my colleagues for their consideration:

ABM DECISION BOLSTERS MINUTEMAN

President Richard M. Nixon's decision to press for construction of a "safeguard program" of anti-ballistic missiles underlines the importance placed on the Utah-made Minuteman missiles as the "bedrock" of U.S. defenses.

The new Republican President, after lengthy conferences with military and civilian leaders, told a Friday news conference that two ABM bases will be operational by 1973 if his recommendations are followed.

One would help guard the 200-missile Minuteman silo complex, America's first, around Malmstrom Air Force Base at Great Falls in north-central Montana.

The second would protect the nation's newest Minuteman base at Grand Forks, North Dakota, where 150 of the latest models of the Utah-built, solid-fuel intercontinental ballistic missiles are war-ready in their deep silos. The Nixon plan differs in several respects from the ABM program announced in October, 1967 by the Johnson administration.

President Johnson and his then-Secretary of Defense, Robert McNamara, proposed putting a "thin line" of Sentinel missiles around America's key cities.

This brought protests—ill-founded we believe—that such placement would endanger the cities by making them prime targets as well as being subject to damage should a nuclear warhead accidentally detonate.

Some of the most vigorous protests came from Salt Lake City, one of the Sentinel sites posed in the Johnson-McNamara program.

Mr. Nixon has taken this into consideration in ordering the initial ABM installations around the Montana and North Dakota Minuteman bases.

Both are located in areas where population density is comparatively sparse.

If the Nixon plan is followed, we agree that our land-based retaliatory forces—the Minuteman missiles—will be protected against what the President termed any possible "direct attack" by the Soviet Union, as well as against the nuclear weapons launched by Red China.

The Great Falls and Grand Forks Sentinel squadrons, by their strategic locations on the northern approaches to 48 of our states, should also be capable of blunting the damage that might be caused by accidental missile launches by either Russia or China.

President Nixon's "safeguard" ABM system is, we feel, a logical compromise between an elaborate antiballistic missile network and the current, unguarded, system of ICBM bases.

The "doves" will continue to maintain that any form of ABM network will jeopardize the possibility of long-range peace with the Soviet Union.

Russia will certainly issue statements following the same "soft" line and charging that the United States—only a few hours after approval by our Senate of the nuclear nonproliferation treaty—had escalated the arms race.

Such an attitude is typical of the Communists.

They already have an ABM network around their main cities and major missile bases, where the Russian version of the Minuteman is in place and readily capable of striking the heart of our nation.

So we can expect the USSR propaganda would favor keeping the United States ICBM network vulnerable to a missile attack.

The Reds always cry "do as we say, not as we do."

The \$6.7 billion requested by President Nixon to construct the two Sentinel bases would, we believe, be a wise investment in security for our country.

TENTH ANNIVERSARY OF HAWAIIAN STATEHOOD

SPEECH OF

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1969

Mr. CUNNINGHAM. Mr. Speaker, it was my distinct honor a decade ago to join 322 of my House colleagues who passed the bill granting statehood to the American Territory of Hawaii.

Hawaii, as the 50th State of the Union, has made great strides since that 12th day of March 1959.

Once described by Mark Twain as "the loveliest fleet of islands anchored in any ocean," Hawaii today represents

a bridge between East and West for international cooperation and world peace.

The people of Hawaii are of diverse cultural origins. Yet they have proven that this 50th State is indeed a showcase of American democracy.

Mr. Speaker, I join the distinguished minority leader, Mr. Ford, in saying that I consider my vote on that March day 10 years ago one of the best I have ever cast.

I hope the progress of our 50th State is even more rapid in the next decade than it has been in its first. It has made a wonderful beginning.

A CRUCIAL STEP

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1969

Mr. TUNNEY. Mr. Speaker, Americans must welcome last week's ratification of the Nuclear Nonproliferation Treaty by the Senate with relief and determination: relief that we have negotiated another step toward making the world a safer place, and determination to continue on this path of sanity.

We have already taken two earlier steps by agreeing to the limited test ban treaty and the ban on placing weapons of mass destruction in outer space. These set our course in the direction of peace, and last week—with ratification of this important new measure—we stayed on course.

With this treaty, we may hope to curb the proliferation of nuclear powers and slow down the multiplying dangers which are bound to occur if more and more states obtain nuclear weapons. No one pretends that this treaty will eliminate all of the dangers. It will not. It does cut down on the dangers, however.

By the terms of the treaty, signatories agree not to provide other countries with nuclear weapons, and not to assist them in developing their own. And signatory states that do not have nuclear weapons agree not to manufacture or acquire them. So far, 87 countries have signed the treaty.

It is, of course, extremely unfortunate that two nuclear powers, France and China, have not signed the treaty. But even without their signatures, the treaty has a very real value in pledging the nonnuclear signatories not to accept nuclear weapons from nuclear nations.

And this treaty is essential if we are going to avoid further instability and the risk of nuclear disaster in tomorrow's world. Without this treaty, it is estimated that a dozen more countries could be getting nuclear weapons within the next 2 years.

While we recognize that the agreement does not bring the millennium, it is a step away from the terror of Armageddon.

Mr. Speaker, it also is a positive step toward further understanding. One vital part of the treaty is article VI, which places the nuclear-weapon states under certain disarmament obligations. Article VI declares that:

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Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Fortunately, this country's determination to lessen the dangers of a nuclear war on this planet were underscored by the Senate's overwhelming, bipartisan vote of ratification. The vote of 83 to 15 was taken after a long debate.

A few Senators were afraid the treaty would commit us to defend every other country in the world. This was shown to be groundless. The treaty carries no provision of this sort, and the Senate has assurances from both the present and the former Secretaries of State that no interpretation of this kind can be made. Dean Rusk told the Senate Foreign Relations Committee last year that "as a matter of law and as a matter of policy," no further commitments had been assumed by the United States. He said:

We have made it very clear in this matter. We are not directly or indirectly making ourselves a bilateral ally with every non-nuclear state.

A few Senators were afraid that the safeguards were meaningless, but they were satisfactorily answered on this score. Administration officials appearing before the Foreign Relations Committee were unanimous in their approval of the treaty's safeguards arrangements.

Dr. Glenn T. Seaborg, chairman of the Atomic Energy Commission, said that the International Atomic Energy Agency now has a suitable safeguards system. He said the IAEA had shown that "the techniques of international inspection are feasible and effective." The United States has not undertaken any inspection obligations in the treaty itself, and in a separate declaration, it has agreed only to open its peaceful nuclear facilities to inspection—and to open them only to inspectors who are "acceptable and agreeable" to this country. It has already done this in some instances, and, according to Mr. Rusk:

We have not detected any handicaps arising from these arrangements.

The Joint Chiefs of Staff have unanimously recommended the treaty. Presidents Eisenhower, Kennedy, Johnson, and Nixon all supported the idea of a nonproliferation treaty. The Secretaries of State and the Secretaries of Defense under both President Nixon and President Johnson have all urged its ratification. They say the treaty does not threaten our national security—rather, it is a step in the interest of world security.

I know that the vast majority of Americans support their judgment. Now the vast majority of the Senate has given its approval and ratification.

Because of these circumstances, I was astonished that one of the Senators voting against the treaty was the senior Senator from California, Senator MURPHY. It was beyond comprehension why he should oppose this treaty, which represents a real, bipartisan effort to improve world safety. If we are going to start coping with the terrible possibilities

of the nuclear weapons era, if we are going to reduce international tension—indeed, if we want to survive—we must face our responsibilities and take the required steps.

THE LUMBER PRICE CRISIS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 17, 1969

Mr. WYATT. Mr. Speaker, as we all know, there is and has been widespread dismay over the recent rise in lumber and plywood prices. The industry has been as disturbed over this problem as anyone. However, the cost of wood has not, by any means, been the sole factor in increasing the cost of homebuilding and construction.

Mr. Gerry Pratt, a widely respected and perceptive business editor writing for the Portland Oregonian, covered this subject with considerable insight and objectivity in his column of last Friday. I would like to present that column here as a matter of substantial interest to my colleagues in the Congress:

BUILDERS FIX CAUSE OF PRICE INCREASES

(By Gerry Pratt)

The front page story says: "White House, Congress to Investigate. Alarm Grows Over Soaring Lumber Costs." And the story out of the Associated Press in New York City adds with the full vigor of an expose:

"Soaring lumber prices, up 30 to 90 per cent in the past year alone and still climbing, are helping push the cost of houses to record levels and have prompted separate investigations by the White House and Congress."

This may sound like beating the broken drum out here, but the political appeal of "investigating" business when the news services are using terms such as "soaring costs" has all the magic of the Kennedys turning the Federal Bureau of Investigation loose on the steel industry executives and forcing the steel price rollbacks.

"The increase in lumber prices have been unconscionable," says Harvey Meyerhoff, a Baltimore home builder. He goes on in the story as saying a \$30,000 to \$31,000 house is now costing the home buyer \$39,000 and the implication is that extra \$9,000 has gone into the pockets of a lumber or plywood manufacturer.

Perhaps Harvey Meyerhoff doesn't know this, but a check of his books would reveal some of the facts.

HOME LUMBER NEEDS TALLIED

An average American house uses 10,000 square feet of plywood and about 10,000 feet of lumber. Sheathing plywood on a $\frac{3}{8}$ th basis was selling for \$110 a thousand in 1955, that is 15 years ago. Today it is selling for \$144 a thousand. On the basis of 10,000 square feet per house the increase cost in plywood over nearly 15 years is \$400 per house. The increase cost in timber, the increase cost in manufacturing labor and in taxes and whatever else you want to name from insurance to cost of living during those 15 years is something else.

And lumber! In 1955 it was easy to find mills selling for around \$100 per thousand. These same mills today are averaging \$120 to \$130 for every thousand board feet of production. So taking \$130, that is \$300 more per house for lumber or a total lumber and ply-

wood price increase over 10 years of \$700, give or take \$50.

One year ago, the timber pin pointed for the increase in the AP story and protests by builders, lumber and plywood prices were just about the exact lowest point of the past decade.

WWPA CHIEF QUOTES FIGURES

Wendell Barnes, head of the Western Wood Products Association, quotes from what he says are Portland Home Builders figures in the current edition of Real Estate Trends magazine.

Using 1955 as an index of 100:

The price of cement in the average house has increased 98 per cent up through September of 1968. Lumber has increased 40 per cent (that was September and rising prices may have carried today to 50 or 60 per cent). Plumbing has increased 40 per cent; brick and plaster 40 per cent and labor, as a percentage of the cost of a house, has risen 96 per cent; overhead and profits up 20 per cent and land, more than 400 per cent, or an annual increase of 16 per cent a year in the price of a finished house.

As a per cent of total cost, cement was 4.1 per cent in 1955 and 5.7 in 1968; lumber was 9.9 per cent then and now is 10.6 per cent; brick and plaster unchanged; plumbing is up from 9.9 per cent to 10.1 per cent in 1968 and labor has gone from 14.9 per cent of the cost of a house to 19.8 per cent. The builders' overhead and profit, which may explain cries from the home-building industry, has decreased from 12.8 per cent in 1955 to 11.1 per cent today.

RISING COST CURBS WELCOMED

But even so, government seems set to get after the rising costs of wood products and even the wood manufacturers welcome this.

"What they could do constructively," Barnes says, "is repeal the Jones Act. This would enable us to use ships to get our products back there. It's cheaper."

"They could take a look at the government's own administrative policies, which they plan to do, the government's own buying. Or they could look at the morass the railroads are in."

Perhaps most likely and most successful Barnes suggests, would be a look at the possibility of increasing timber sales that have been prepared in the past and have not been offered, sales that have been stopped merely because some preservationists have asked to have them locked up.

Barnes and the timber industry are keenly aware today that America is rotting as much or more federal timber, locked into wilderness areas by wilderness legislation as the entire industry is cutting.

"Areas near roads would be offered for sale; or a supplemental appropriation for a crash road-building program; or better forestry practices which even the Forest Service admits would allow them to increase the allowable cut by two thirds; or an increase in cut from 13 or 14 billion feet a year to 22 billion feet a year."

These are the "constructive" things the government could do. "There is no end to harmful things that could be done," Barnes admits. The distortion of the facts increases the possibility of those wrong moves.

TENTH ANNIVERSARY OF HAWAII STATEHOOD BILL

SPEECH OF

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1969

Mr. CRAMER. Mr. Speaker, I rise to join with my colleagues in commemorat-

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ferred to the Committee on Foreign Relations.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield 1 additional minute to the Senator from Maryland.

The VICE PRESIDENT. The Senator is recognized for 1 additional minute.

Mr. TYDINGS. Mr. President, the second bill I offer would amend section 305(a) of the Tariff Act of 1930 to eliminate the prohibition against the importation of drugs, medicine, and other articles for the prevention of conception. This bill would simply strike from the books an anachronistic law which the Supreme Court has ruled unenforceable.

The VICE PRESIDENT. As in legislative session, the bill will be received and appropriately referred.

The bill (S. 1537) to amend the Tariff Act of 1930 to remove the prohibition against importing articles for preventing conception, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Finance.

Mr. TYDINGS. The third piece of legislation I am submitting is a resolution requesting the President to convene an International Conference on problems of Human Environment. The purpose of such a conference would be to mobilize the knowledge and experience in the international community to study the new relationships between man and his environment resulting from the rapid scientific and technological developments of the 20th century. In addition, an attempt would be made to develop a global plan to help man become the master of that environment instead of its captive. Hosting such a conference would serve to underline the U.S. commitment to a bold and vigorous attack on the problems of the human environment and population control.

From where we stand today in our comfortable and increasingly affluent society, the population problem in Africa, Asia, and Latin America remains a "quiet crisis." It remains easy to ignore, easy to put off. However, as the ranks of the starving are swelled by millions upon millions of new recruits—most of them children—in the decade ahead, how long will we be able to complacently ignore their cries?

William Shakespeare wrote:

Men at some time are masters of their fates:
The fault, dear Brutus, is not in our stars
But in ourselves, that we are underlings.

We must act now while it remains within our power to be masters of the situation.

The VICE PRESIDENT. As in legislative session, the resolution will be received and appropriately referred.

The resolution (S. Res. 166), which reads as follows, was referred to the Committee on Foreign Relations:

S. Res. 166

Resolution to provide for an International Conference on Problems of Human Environment

Whereas the relationship between man and his environment is undergoing profound changes due to rapid scientific and technological developments;

Whereas these developments, though they offer unprecedented opportunities to change and shape man's environment to meet his needs, also present grave dangers if not controlled;

Whereas the United States should take the initiative in organizing an international conference for the purpose of mobilizing the knowledge and experiences of human environment problems, and developing a global plan to curtail the occurrence of environmental problems: Now, therefore, be it

Resolved, That the President is requested to invite in 1970 other interested nations of the World to join with the United States in organizing, convening, and participating in, an International Conference on Problems of Human Environment for the purpose of dealing, through international cooperation, with the environmental problems of man.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield not to exceed 2 minutes to the Senator from Nebraska.

S. 1538—INTRODUCTION OF A BILL TO ABOLISH THE COMMISSION ON EXECUTIVE, LEGISLATIVE AND JUDICIAL SALARIES

Mr. CURTIS. Mr. President, I am introducing today a bill to abolish the Commission on Executive, Legislative, and Judicial Salaries. It is a brief bill. It merely repeals about two lines in existing law.

Unless this Commission is abolished, it will be incumbent on the Commission to make another recommendation in regard to salaries for the Congress, the Cabinet members, the Supreme Court, and other Federal judges 4 years from now. Such permanent authority should not exist. I voted against the pay raise and for the Williams resolution to reject the recommendation of the Commission which went into effect on February 14, 1969. However, there are additional and, in a sense, more far-reaching reasons that these salaries should not be handled in this manner in the years that lie ahead.

What evidence is there before the Congress that the salaries of the Cabinet, the Supreme Court and other judges, and the Congressmen and Senators should be revised 4 years from now? Since most so-called revisions of salaries end up as increases in salaries, the assumption of need for such a Commission must be based on inflation. Inflation is very serious at the present time. It could reach runaway proportions. To permit this authority to stand is to assume continued inflation. Such an assumption is financially and psychologically bad. Furthermore, it is notice to all the victims of inflation that the U.S. Government expects inflation to go on. We should not treat the people that way.

Another reason for repealing this authority of a commission to set salaries is that we should place first things first. The first financial need of our country is to put the budget in balance and start out in an orderly reduction of the national debt. Even though that annual reduction in debt were to be small, it would bring cheer to the hearts of the majority of the American people. It

would raise the image of the United States around the world and enhance the prestige and influence of Uncle Sam. Uncle Sam is handicapped in being an influence for good in the world so long as the suspicion lurks in the background that the U.S. Government neither has the courage nor the know-how to set our financial house in order. Until our financial house is in order, there is danger that Uncle Sam will be regarded by the rest of the world as a busybody who either can not or will not pay his bills as they accrue.

In the third place, the fixing of salaries for the executive, legislative, and judiciary by an outside commission is wrong in theory and wrong in practice. At first glance it sounds very attractive. The notion that some unbiased, qualified outside group should say when Congressmen and Senators and judges and Cabinet members should have a raise in salary and to say how much has an appeal. Upon closer examination or upon observation of practical experience the theory must be cast aside. I wish to cast no reflections upon the Commission members personally. The point is that captains of business and industry are apt to be placed on such a commission. It is inconceivable that such captains of industry are going to say to high officials in Government such as Cabinet members, Congressmen, Senators, the Supreme Court and other judges, "Your salary should not be raised." It is totally inconceivable that they would ever recommend a reduction in salaries even if the country were in a more grave financial crisis. Probably any commission appointed would be heavily weighted with individuals drawing enormous salaries and there would be nothing about their day-to-day experience that would keep them in tune with the economic facts of life for the rank and file of Americans.

It cannot be said that such a commission is a necessity. Through the years salaries have been increased and always without the gimmick of a commission to take the responsibility.

The VICE PRESIDENT. As in legislative session, the bill will be received and appropriately referred.

The bill (S. 1538) to abolish the Commission on Executive, Legislative, and Judicial Salaries, introduced by Mr. CURTIS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to suggest the absence of a quorum with the time to be taken out of both sides.

The VICE PRESIDENT. Without objection, it is so ordered; and the clerk will call the roll.

The bill clerk proceeded to call the roll.

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Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me say at the outset that I regret that more Senators are not in the Chamber to listen to the discussion of this understanding. I can understand why. Everyone is busy with committee meetings, and this is an early hour. I was supposed to chair a meeting this morning but I cancelled it. However I do not want to be understood that what I will have to say is in any sense pro forma, because I am very serious about it. It is a serious matter.

I hope that Senators will have an opportunity to read what has been said here on the floor by me about this understanding.

Let me begin by saying, Mr. President, that I am very grateful to the majority leader for his consideration. I shall try to keep my remarks brief and do so as expeditiously as I can.

In offering this understanding I also want to emphasize that I do not, in any way, propose to change or amend the language or the meaning of the non-proliferation treaty.

My understanding has to do with the resolution of ratification, as distinguished from changing the meaning of the treaty. Essentially, what it says is that, in ratifying the treaty, the Senate of the United States takes it for granted that the language of the treaty means exactly what it says. That is the point, really, of this understanding.

I wish to explain it in a little more detail. The preamble of the treaty reads in part as follows, and I quote from it:

The States concluding this Treaty . . . Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.

The non-nuclear-weapons states, in forgoing the right to develop nuclear armaments of their own, I believe, are entitled in the basic assurance spelled out in that preamble. Indeed, I go so far as to say that if this preamble had not been made a part of the treaty, not half a dozen nations would have signed it, because it is the basic inducement to them not to develop their own nuclear weapons.

We say to them, "In return for your not developing your own nuclear weapons, we assure you, in this solemn treaty, that you will not be invaded and there will be no threat against your sovereignty, your political integrity, or your independence."

That, it seems to me, is the "guts" of this treaty; and without it, it is less than what it is now, and I do not think it is much now. But certainly, without that assurance, if I were the head of state of any one of these smaller nations, I would say, "You do not get me into a treaty stopping me from developing nuclear weapons, unless you guarantee that I will not be attacked."

I have talked about that here, but I have never been able to get much attention.

While the treaty is not yet legally in force, it seems to me the Senate cannot ignore the fact that the Soviet Union, since the signing of the treaty on July 1, 1968, has violated the intent expressed in the preamble, and has done it three times: First of all, by the monstrous invasion of Czechoslovakia; second, by the open threat of intervention in Western Germany, on the ground of the existence of neo-Nazism; and, third, by the express threat of intervention in the affairs of the so-called Socialist states, promulgated in what is now called the Brezhnev doctrine.

Those were three violations of the preamble. The ink was hardly dry on the treaty when the first occurred; the second followed quickly; and then the third.

The purpose, therefore, of this understanding is to try to make it clear that the preamble means something; that it is not just verbiage; that it is not just platitudes or some pleasantries by way of introduction.

Legally or legalistically, however one wants to say it, I suppose Czechoslovakia can be swept under the rug by saying, "Well, the Nonproliferation Treaty was not in force when that happened." That answer is without validity, in my judgment.

It is a fact that it happened after the Soviet Union signed the treaty. It was after the preamble, which is a party of the treaty, was signed. So I do not think that this event can normally be swept under the rug.

I do not say we should always be bringing up that treacherous attack on Czechoslovakia, and refuse to go any further along the road to arms control. But I do not believe in forgetting, as we have been forgetting for many years, the constant breaking of treaties by the Soviet Union. I am hoping this one will stick; that it will be good enough so that all parties will know it is being lived up to; and that there is no danger that one signatory party may violate it by threatening intervention or by actual military intervention.

So I repeat, legally or legalistically, however one wants to put it, the argument does not impress me that the treaty was not yet in force.

However, in light of the recent record, I believe we have to make it unmistakably clear to the Soviet Union, when we ratify this treaty, as I expect we will, that we do not regard the preamble as a scrap of paper or as a formality, but, instead, we regard it as a basic aspect of the treaty, the continuation of which must be taken at face value by the signatory nations.

I phrased the language of my understanding as diplomatically as I could, as diplomatically as possible within my ability. I do not name the Soviet Union; I do not see any sense in constantly calling the Soviet Union names, making it more difficult to bring the Soviets to their senses. I call the attention of my colleagues to the fact that the understanding does not single out the Soviet Union by name. It states:

Any military attack directed against the independence of another country by a nuclear-weapons State party to the treaty.

I hope my colleagues will see fit to support this understanding, because I believe—earnestly believe, and I am sure I am right—it will strengthen the treaty.

Certainly it will delay the widespread fear that the United States will be willing to sweep future Czechoslovakias, as well as the past one, under the rug, and discourage statements that we shall be indifferent to future Soviet aggression.

I think my understanding will serve several purposes. First, it will strengthen the hand of the moderates—and I know there are some within the walls of the Kremlin—and it will weaken the hand of the extremists, which is in our interest. They should be weakened. Second, it will reduce the possibility of further Soviet intervention. Third, it will give at least some small measure of reassurance to our allies, as well as to the so-called socialist states that I think are threatened by the Brezhnev doctrine.

That is my case, Mr. President, and I could talk about it a great deal longer, but I do not know that I could shed much more light on it. I think it is that simple.

The first part of the understanding states that if any one of these nuclear weapons states party to this treaty intervenes before the deposit of the instrument of ratification, this would allow others to withdraw under the 90-day provision.

The second part of it is that, after the treaty is in effect, if there is intervention by force, or threat of it, by one of the nuclear weapons states party to the treaty, then the treaty is null and void.

That is why it is in two parts.

I say, Mr. President, that is the case. The Senate will have to decide for itself.

It will be argued, as it has been when other understandings have been offered here, that it will mean a delay.

If it means a delay, then there is more to it than I have said already, and it suggests to me all the more the need for my understanding.

If none of the parties mean to intervene by threat of force, or actual military force, they are not going to say, "There is no need for it. We are not going to do that sort of thing." So if there is going to be a delay in their ratification of the treaty I think it is fair to surmise that they may be thinking of doing something like they did in Czechoslovakia. And there are rumors about Rumania now. Tito himself, within the last 48 or 72 hours, has said things that lead me to believe he is worried about the Soviets, too.

My understanding is one way—the only way we have now—of saying, "Look here, this treaty means what it says. It does not mean anything else, and we are not going to fool the American people, we are not going to fool the world, into thinking we have a treaty that will prevent what happened in Czechoslovakia if you have no intention of abiding by it."

That is why I have offered the understanding.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. DODD. Yes, I yield.

Mr. BYRD of West Virginia. Mr. President, I have indicated my support for this treaty, and I have not seen in the treaty any verbiage which I would interpret to mean what I think the distinguished Senator from Connecticut has indicated that some of the verbiage means to him. I do not see such language in the preamble. The preamble would have no force of law, in any event.

Mr. DODD. Oh, yes.

Mr. BYRD of West Virginia. Does the preamble to the Constitution have any force of law?

Mr. DODD. Yes, it does. Our Supreme Court has said repeatedly that the preamble to the Constitution of the United States must be considered in any interpretation of the Constitution itself. There are several decisions along that line.

Mr. BYRD of West Virginia. Are there any decisions, though, that are rooted in the preamble of the Constitution?

Mr. DODD. I do not recall the decisions in that detail, but I think the general welfare phraseology of the preamble has been used as a legal foundation, away back during the Roosevelt administration. I do not know whether the Senator would call that an interpretation or a root.

But I would answer the distinguished Senator from West Virginia by asking, Why in the world do we put it into this treaty, then, if it does not mean anything? If I am called upon to sign a contract, I think every word of it means something, and it ought to be so understood.

It has been argued on the other side—and I am fearful that that is what is in the Senator's mind—that this is just a platitude or pleasantry, and does not really mean anything.

It ought to mean something. If, as the Senator argues, it does not mean anything, the treaty is practically worthless.

It is weak enough anyway, God knows, with respect to inspection and a hundred other things. But I plead that we should at least be sure we know what the preamble means, and we ought to assure ourselves that everyone else knows what it means.

That is my point.

Mr. BYRD of West Virginia. Will the Senator yield further?

Mr. DODD. Yes, I am happy to yield.

Mr. BYRD of West Virginia. Mr. President, I do not see any verbiage here, I repeat, which would indicate that we are binding ourselves to go to the defense of any nation that is invaded. That is what I understood that the Senator indicated—

Mr. DODD. No, no.

Mr. BYRD of West Virginia. Was the thought, or one of the thoughts or meanings, contained in this treaty. I do not find it in here.

Mr. DODD. No, I am sorry; I think the Senator misunderstood me. I was not suggesting that.

Let me say it again. The whole thrust of my understanding is: First, that before

the treaty is in effect, if any nuclear-weapons power, party to the treaty, invades another country by military force to destroy its political integrity, then the other party can withdraw under the 90-day clause; and, second, that after the treaty is in effect, if there is military intervention directed against the independence of another nation, then the whole treaty is null and void. That is all I said. I did not say anything about us having to go to the defense of anyone.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. DODD. I yield.

Mr. BYRD of West Virginia. Mr. President, I think that article X provides adequate avenues for withdrawal of any nation in the event the need arises. The article says:

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country.

Mr. President, I think if any event should arise which, in the judgment of our own Nation, jeopardizes the supreme interests of our country, the avenue for our withdrawal is provided in article X.

Mr. DODD. I understand the Senator's position.

Mr. BYRD of West Virginia. So if what the Senator has stated should develop, and if, in the judgment of our leaders, such a development would jeopardize the interests of our country, we have the right of withdrawal, just as any other country has the right of withdrawal.

Mr. DODD. The Senator is absolutely correct about that. But it is not only the interests of our country; it is the interests of all these other little countries which are foregoing their right to develop their own nuclear weapons that I am worried about.

I think we can take care of ourselves, and I am sure we will. But we have gotten a lot of other countries to sign already, to give up their right to defend themselves with nuclear weapons if threatened. And I think this is why they did it.

I say to the Senator from West Virginia that without this preamble, I do not think we would have gotten six nations to sign it. That is the whole justification of the treaty, the whole reason for its being.

The Senator says it is in article X. I say, let us make it clear by this understanding, so there will be no doubt.

I have no doubt. I think other Senators have no doubts, including one I see in the Chamber whom I think all of us consider a great constitutional lawyer.

I think this preamble is an integral part of this treaty, as any preamble is to any contract, as a matter of law.

The Senator from West Virginia is a good lawyer, and I think he agrees with that principle of law. I think he has gone off a little bit from his usual sound judgment about these matters, and I hope to straighten him out. But I am afraid I am losing time.

Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has used 17 minutes of his time.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for just 1 minute? I will take no more.

Mr. DODD. Yes. I cannot refuse the Senator that, although I am losing time.

Mr. BYRD of West Virginia. I do not wish to labor the point, and I respect the Senator for his efforts here, and for his strong convictions; but I do not think that, in the context of the intent of this treaty, the understanding which he is supporting would be beneficial.

I think the thrust of the treaty is not to prevent the invasion of any country, or to assure any country that we will go to its defense in the event that it is invaded; the whole thrust is to prevent further proliferation of nuclear weapons. I think this treaty would accomplish that, and I hope it will, and that is why I support it.

Mr. DODD. I thank the Senator for his expression of his views, although I respectfully do not agree with him. I think there is a need for the treaty to be clarified by this understanding.

Reserving such time as I have remaining, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes, and if the Senator from Connecticut wishes more time—

Mr. DODD. I say to the majority leader, I do not yet know whether I shall. It depends on what is said.

Mr. MANSFIELD. Fine.

Mr. President, I have listened with interest to the definition of the understanding which the distinguished Senator from Connecticut has presented to this body, and I have also been privileged to hear the statements made by the distinguished Senator from West Virginia (Mr. BYRD).

I would be forced to align myself with the Senator from West Virginia in his interpretation of the treaty which is before us, while at the same time recognizing the fact that this treaty is not a cure-all or a be-all, but is only a small step in what I think is the right direction to afford some relief to the people of this world from the danger of a nuclear holocaust.

As far as atomic weapons are concerned, we are not holding anyone back at the moment. No country has atomic weapons except the Soviet Union, the United Kingdom, this country, and China. What kind of nuclear weapons France has I do not know; but as far as China, France, and the United Kingdom are concerned, their weapons certainly cannot be compared to those which this country and the Soviet Union have.

It appears to me that the reservation itself is directed, and I think rightly, to the attack of the Soviet Union on Czechoslovakia last August, a situation which we all deplore, and which caused the present President, the then candidate of the Republican Party, to suggest to the Senate that there be a delay in the consideration of the treaty now before us; and, primarily on that basis, we acceded to the wishes of Mr. Nixon.

Since that time, he has had a chance to go over the situation as it affects the status of the treaty, and, without qualification, he and his administration have

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advocated that the Senate give its advice and consent to the ratification of the measure now before us.

I would hope that no Members of the Senate would want to abrogate this treaty, if it is agreed to.

How could we be able to determine what our policy would be in situations which we cannot contemplate, such as, for example, a Soviet attack upon China. We are not even aware of the circumstances attendant thereto. I point out that under article X of the treaty, which has been referred to by the distinguished Senator from West Virginia, any signatory has a right to withdraw within 90 days—and this is a very short period—and such a withdrawal would be quite a blow.

On the question of war, if it comes, the treaty would be ineffective, because on page 424 of the hearings, we find information in the third and fourth paragraphs which reads as follows—and this statement is made by Secretary Rusk:

I think, sir, that this was simply a recognition of what today is almost an element of nature, and that is, in a condition of general war involving the nuclear powers, treaty structures of this kind that were formerly interposed between the parties would be terminated or suspended. (July 11, 1968 hearings, p. 27.)

I continue to read from page 424 of the report:

At the other extreme would be a limited, local conflict, not involving a nuclear weapon-state. In this case the treaty would remain in force. The first preamble to the treaty considers "the destruction that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war" and the second preamble states the belief "that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war." This central purpose of the treaty would be subverted by maintaining that the treaty was suspended in the event of such a war between non-nuclear-weapon parties. Accordingly, such parties would be bound by the treaty unless and until they exercised the right of withdrawal under Article IX.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield myself 1 additional minute.

The VICE PRESIDENT. The Senator from Montana is recognized for 1 additional minute.

Mr. MANSFIELD. Mr. President, the right to withdraw is a material right, to be determined by each individual state, large or small. The record is very clear that in case of general war, the treaty would be immediately null and void, as I have tried to indicate on the basis of my statements today.

In my opinion, the total effect of this reservation would be to muddy the treaty as well as to delay it. It would be my hope that the best way to move ahead on the road to disarmament and to bring about a hope for peace for all of the world would be to agree to this treaty, to do our part in bringing it to fruition, and to join the other nations of the world in achieving this worthwhile objective.

I repeat, this treaty is not an end-all or a be-all or a cure-all. But it is a step in the right direction. It is a small,

hesitant step toward a goal which might take a long while to effect, but it is a step that is worthwhile.

Mr. DODD. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator from Connecticut has 11 minutes remaining.

Mr. DODD. Mr. President, I yield myself 2 minutes. I do not think that I will take that long.

The VICE PRESIDENT. The Senator from Connecticut is recognized for 2 minutes.

Mr. DODD. Mr. President, I respectfully address my response, as far as I can, to the remarks of the majority leader.

I thought about China and every other country. I think that the language of my understanding has been very carefully drafted to get away from border skirmishes. That is not what it is directed to. It addresses itself to a military attack directed against the independence of another country.

Unfortunately, as the majority leader, I am sure, will agree, this kind of intervention does not always take on the appearance of a full-blown war.

No war was declared on Czechoslovakia. The Russians just marched in with troops and with tanks and took the country over. That is what I fear they may try again.

I agree with the majority leader. And I hope, with him, that this measure will be effective. However, we have had bad experiences with these people. We entered into the test-ban moratorium with them in all good faith.

What did the Soviets do? This is not ancient history. They violated it at a time of their choosing, with a series of monster atmospheric explosions.

In the face of a hundred violations—and that is an understatement—we are now asked to enter into the serious and fateful agreement involved in this treaty.

I do not care to rehash all the bad experiences we have had.

I remember yesterday—I think it was—on the floor when I said that I had read the late Senator Robert F. Kennedy's book over the weekend in which he relates how Chomsky sat and looked President Kennedy in the eye, and lied in his teeth, and said the Soviets had no missiles in Cuba.

President Kennedy, however, knew they did have missiles in Cuba. And Ambassador Dobrynin, who is still the Ambassador to the United States, lied in his teeth, too.

That is not ancient history. That happened a half dozen years ago. They said they had no missiles in Cuba. But we knew they had them there.

If we were dealing with people who had a record of trustworthiness, we could afford to take chances. And we are taking a big chance now.

We want everyone to understand that the preamble means what it says. We should stop this business of having Russia invade Czechoslovakia and threaten Rumania and West Germany, and claim the right to step into the affairs of any so-called Socialist country.

That is what my understanding is about.

I said earlier, and I think I ought to repeat it, that I know of the majority leader's earnestness and devotion to peace. I do not say that as a polite parliamentary ritual. I know that this is so. Indeed, I am deeply aware that this is so. And I highly respect the majority leader for this.

The majority leader has labored long and hard. But he says what so many others have said, that my understanding will muddy the waters and delay things.

I cannot understand why it should delay anything.

If we mean it and Great Britain means it, and it is already signed and deposited, why can the Soviet Union not say "Yes"? There should be no trouble in their doing that.

What is really bothering people is that if we write this provision into the treaty, the Soviet Union may say, "No dice. We are not going to commit ourselves to not interfering militarily."

If they are not about to do this, we can forget about the treaty. It will be remembered in history as one of the biggest jokes ever perpetrated on the American people and the world.

I do not care to delay the Senate. The majority leader has a great deal of work to do in trying to get through with this measure.

I did ask yesterday, as the majority leader will recall, for the yeas and nays. I would like to have an expression from the Senate. I have no illusions; I think, however, that it is important to make a record. It may not mean much today, but it may mean something some day for others.

Mr. President, I yield back whatever time I have remaining.

The PRESIDING OFFICER (Mr. Spang in the chair). Does the Senator from Connecticut yield back his remaining time?

Mr. DODD. Yes, I do.

Mr. MANSFIELD. Mr. President, I yield myself a minute or two.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, may I say that the test-ban treaty, despite its inequities—and there were some—was likewise a small step forward. And as far as violations of the Nuclear Test-Ban Treaty are concerned, there have been unintentional violations of that treaty by both the Soviet Union and the United States. It has held up very well, however.

I recall traveling with the late President John F. Kennedy when he undertook a natural resources tour of the western part of this Nation. He discussed natural resources in Duluth and Grand Forks, and the reaction was not very overwhelming. But when he reached Billings, Mont., and addressed a crowd of 75,000 people, he brought out the fact that just several days previously the Nuclear Test-Ban Treaty had been approved by the Senate. When he made that statement, he brought down the house, to use show business parlance; and it was an indication of the fact that the people of this country are interested in peace and are willing to take chances to bring about that most desirable objective.

We cannot go on building arms forever. Missiles are not the answer to the

needs of the people today. Armaments are not the answer to the needs of the cities. These are problems we must confront and face up to, and these are steps we must take if the world is to be given the opportunity, which it should have, to advance on a fairly peaceful and prosperous basis, to the end that all its peoples, regardless of color or creed or origin, will be given the chance to live in a degree of peace and a chance to offer their children a small degree of hope.

When we talk of aggression, please keep in mind that the same charge could be applied against this country. Just yesterday, we apologized to Laos for an aggression into that country. Just a few days ago, Prince Norodom Sihanouk, the Chief of State of Cambodia, returned four American flyers who came down in that country. Several weeks ago, Prince Norodom Sihanouk returned 11 other Americans who had penetrated into Cambodian territory.

So I believe we should take an overall look at this treaty, weigh the consequences as the distinguished Senator from Connecticut has laid them out, and recognize that this is not the answer to the objective we seek, that it is only a step in the right direction.

I hope, Mr. President, that this treaty will be acceded to overwhelmingly by the Senate when the vote occurs.

Mr. DODD. Mr. President, I have yielded back the remainder of my time, but I would like 1 minute.

Mr. MANSFIELD. I yield as much time to the Senator as I have remaining.

Mr. DODD. I thank the Senator.

Mr. President, the Senator pointed out the situation in Laos and Cambodia. This is not what I referred to, in any respect. This was an accident in the course of war. I do not believe anyone contends that we purposely were trying to invade or interfere with the sovereignty of Laos or Cambodia. I am not talking about this. I am talking about the kind of thing that happened in Czechoslovakia.

As the majority leader knows, I agreed with him about the test ban treaty. He will recall that I introduced my own resolution, and I believe we made progress on that. What I referred to was not a treaty; it was an executive understanding suspending all nuclear testing, which we entered into in 1958.

Mr. MANSFIELD. That is correct.

Mr. DODD. That is the one I had in mind when I said that.

Mr. MANSFIELD. Mr. President, I could mention other countries in addition to Laos and Cambodia, such as the Dominican Republic. But I believe it is time to bring this reservation to a vote, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the understanding of the Senator from Connecticut (Mr. Dodd). On this question, the yeas and nays have been ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to suggest the absence of a quorum, for a period not to exceed 10 minutes after 11 a.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

Mr. MANSFIELD. The attachés should notify Senators that this vote will soon be in process.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time having been yielded back, the question is on agreeing to Executive Understanding No. 2 of the Senator from Connecticut (Mr. Dodd). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. TALMADGE) is necessarily absent.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK) is absent because of illness.

The Senator from Colorado (Mr. ALLOTT) and the Senator from New York (Mr. GOODELL) are detained on official business.

If present and voting, the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK) and the Senator from New York (Mr. GOODELL) would each vote "nay."

The result was announced—yeas 15, nays 81, as follows:

[No. 19 Ex.]

YEAS—15

Allen	Dodd	Long
Bible	Eastland	McClellan
Byrd, Va.	Ervin	Russell
Cannon	Hollings	Thurmond
Curtis	Jordan, N.C.	Tower

NAYS—81

Aiken	Gurney	Murphy
Anderson	Hansen	Muskie
Baker	Harris	Nelson
Bayh	Hart	Packwood
Bellmon	Hartke	Pastore
Bennett	Hatfield	Pearson
Boggs	Holland	Pell
Brooke	Hruska	Percy
Burdick	Hughes	Prouty
Byrd, W. Va.	Inouye	Proxmire
Case	Jackson	Randolph
Church	Javits	Ribicoff
Cook	Jordan, Idaho	Saxbe
Cooper	Kennedy	Schweiker
Cotton	Magnuson	Scott
Cranston	Mansfield	Smith
Dirksen	Mathias	Sparkman
Dole	McCarthy	Spong
Eagleton	McGee	Stennis
Ellender	McGovern	Stevens
Fannin	McIntyre	Symington
Fong	Metcalf	Tydings
Fulbright	Miller	Williams, N.J.
Goldwater	Mondale	Williams, Del.
Gore	Montoya	Yarborough
Gravel	Moss	Young, N. Dak.
Griffin	Mundt	Young, Ohio

NOT VOTING—4

Allott	Goodell	Talmadge
Dominick		

So Executive Understanding No. 2 was rejected.

EXECUTIVE UNDERSTANDING NO. 3

Mr. DODD. Mr. President, I call up my Understanding No. 3.

The PRESIDING OFFICER. The clerk will state Understanding No. 3.

The assistant legislative clerk read the

understanding (Executive Understanding No. 3), as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "with the understanding that the United States shall deposit its instrument of ratification simultaneously with the Soviet Union, at a time to be agreed upon".

The PRESIDING OFFICER. The debate on the understanding will be under controlled time, half an hour to a side.

Would the Senator from Connecticut, before the time begins, yield in order that the Senate may receive a message from the House?

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 33) to provide for increased participation by the United States in the International Development Association, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a resolution (H. Res. 314) electing JOHN BRADEMANS of Indiana to fill the vacancy existing on the Joint Committee of Congress on the Library.

HOUSE BILL REFERRED

The bill (H.R. 33) to provide for increased participation by the United States in the International Development Association, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

Mr. MANSFIELD. Mr. President, as in legislative session, I yield 1 minute to the Senator from New York.

CONCURRENT MEMORIALIZING RESOLUTION OF LEGISLATURE OF NEW YORK

Mr. JAVITS. Mr. President, I call the attention of the Senate to the fact that the New York State Legislature, through its joint legislative committee, headed by State Senator William E. Adams as its chairman, called on Senator GOODELL and me this morning and presented a concurrent resolution, adopted unanimously without regard to party by the State legislature, memorializing the Congress to reform the welfare system and to create minimum standards for public assistance in all States. Also present to present this resolution to us were State Senator William T. Smith, and Assemblymen James L. Emery, vice chairman, and Lawrence E. Corbett, Jr.

I think this is such an important document and so very well done that I ask unanimous consent that its text may be printed in the RECORD as a part of my remarks and also that it may be included as one of the petitions and memorials presented today, and appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution, which reads as follows, was referred to the Committee on Finance:

Concurrent resolution of the Legislature of the State of New York memorializing Congress to enact legislation to create a minimum standard for public assistance in all States which provide an adequate level for the maintenance of health and decency and which cannot be altered or reduced by the introduction or application of minimum payment levels, or other percentage deductions or other devices which impose a limit below the national standard amount of assistance which eligible families may receive; to provide that assistance to the aged, disabled, and the blind be fully funded and administered by the Social Security Administration of the Department of Health, Education, and Welfare; to establish a comprehensive, nation-wide program of public assistance based upon the simple criterion of need, replacing arbitrary, inequitable and inefficient categories of assistance presently in effect; creating a simple and uniform formula to determine federal reimbursement for public assistance, other than aid to the aged, disabled, and blind, which will provide for equitable and reasonable fiscal efforts among the states and will not penalize those states which maintain and provide more adequate and comprehensive assistance level; to provide block grants to states for the purpose of establishing research projects to increase effectiveness, efficiency and economy in the administration of public welfare, commensurate in size and scope with the national investment in the assistance program and to establish demonstration projects in each of the States for restructuring the public welfare system through meaningful and effective separation of income maintenance responsibilities from the delivery of social services

Whereas, It has been recognized that the foremost domestic crisis facing the people of this nation is poverty; and

Whereas, Public welfare is the only governmental vehicle primarily designated to assure the provision of guarantee against poverty and social deprivation, and to insure the basic essentials of living to individuals and families who are in need; and

Whereas, Rapid urbanization and advancing technology have markedly affected the dimensions of public welfare in this country to the point that individual states are no longer in a position to control or ameliorate the causes of rising welfare rolls nor are they fiscally able to support an adequate system of income maintenance for those who require assistance; and

Whereas, The present Federal system of administering public welfare, based on the restrictive categorical programs and inequitable reimbursement rates to the states, tends to ignore our national commitment to provide an adequate standard of living for all citizens irrespective of their place of residence; and

Whereas, It is the judgment of this Legislature that efforts should be made to correct the injustices imposed upon the people and the inequities imposed upon the states referred to herein; now, therefore, be it

Resolved (if the Assembly concur), That the Congress of the United States be and it hereby is memorialized to enact legislation creating a minimum standard for public assistance in all states which provides an adequate level for the maintenance of health and decency, and which cannot be altered or reduced by the introduction or application of maximum payment levels, percentage reductions, or other devices which impose a limit below the national standard amount of assistance which eligible families may receive; and be it further

Resolved (if the Assembly concur), That the Congress of the United States be, and it hereby is, memorialized to enact legislation providing that assistance to the aged, blind and disabled be fully funded and adminis-

tered by the Social Security Administration of the Department of Health, Education, and Welfare; and be it further

Resolved (if the Assembly concur), That the Congress of the United States be, and it hereby is, memorialized to enact legislation to establish a comprehensive, nation-wide program of public assistance based upon the simple criterion of need, replacing arbitrary, inequitable and inefficient categories of assistance presently in effect; and be it further

Resolved (if the Assembly concur), That the Congress of the United States be memorialized to enact legislation creating a simple and universal formula to determine Federal reimbursement for public assistance, other than aid to the aged, blind and disabled, which will promote equitable and reasonable fiscal efforts among the states and will not penalize those states which maintain and provide more adequate and comprehensive assistance levels; and be it further

Resolved (if the Assembly concur), That the Congress of the United States be memorialized to enact legislation to provide block grants in aid to states for the purpose of establishing research projects to increase effectiveness, efficiency and economy in the administration of public welfare, commensurate in size and scope with the national investment in the assistance programs; and be it further

Resolved (if the Assembly concur), That the Congress of the United States be memorialized to enact legislation for the establishment of demonstration projects in each of the states for restructuring the public welfare system through meaningful and effective separation of income maintenance responsibilities from the delivery of social services..

S. 1540—INTRODUCTION OF A BILL FOR NURSE TALENT SEARCH PROGRAM

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to help meet the crisis in health care caused by serious shortages of registered and practical nurses. This bill would aid recruitment into the nursing professions.

My proposal would expand the present nurse talent search program, of which I was the author, to:

Include licensed practical nurses as well as registered nurses;

Permit more widespread identification of potential nursing candidates from minority and disadvantaged groups;

Provide for the development and demonstration of new and effective ways of assisting young people to overcome the effects of cultural, economic, and educational deprivation in order to become nurses;

Broaden the base of the program to include older individuals rather than just "youths" as in the present law, thus giving recognition to the fact that many older women ably serve as nurses, entering the professions later in life;

Expand the present authorization to include grants as well as contracts, thus providing flexibility in achieving the objectives of the program; and

Authorize \$300,000 for fiscal year 1970, \$750,000 for fiscal year 1971, \$1.25 million for fiscal year 1972 and \$1.75 million for fiscal year 1973.

The dimensions of the crisis in the shortage of nurses was dramatically described by the New York State Joint Legislative Committee on the Problems of Public Health and Medicare, the Lent committee, which observed that the

"single most important health problem in New York State and the Nation is how to increase the number of professional registered nurses." At a time when the proportion of high school students choosing nursing as a career has declined and Negroes comprise only 3 percent of nursing students—although 11 percent of the population—it is apparent that we must intensify efforts to recruit individuals into the nursing professions if we are to supply adequate health care for our people.

At present rates of recruitment, the Nation will be short 151,000 nurses in 1970. This dearth of nurses has already curtailed hospital services. For example, last year the District of Columbia General Hospital was obliged to close a wing because of a nursing shortage. In addition, many parts of the Nation are very adversely affected. While the national average is 313 registered nurses per 100,000 population, the actual range is from a high of 536 in Connecticut to a low of 133 in Arkansas. Other States having less than 200 registered nurses per 100,000 population are Georgia, Alabama, Kentucky, Mississippi, Tennessee, Louisiana, Oklahoma, and Texas.

While New York fares better, the fact is that in New York City vacancies range from 20 percent of the vital nursing positions in some of our best run hospitals to an incredible 75-percent vacancy in some proprietary and in most municipal hospitals.

Today, with changing hospital techniques, most bedside services are performed by licensed practical nurses—LPN's—and nurse's aides. Yet the LPN registries are only able to fill about three-fourths of the calls made on them for personnel. My bill would for the first time establish a program for recruitment of LPN students to help relieve this situation. This bill is identical to the measure I sponsored in the last Congress which was included in the Health Manpower Act of 1968 as it passed the Senate, but which was dropped in conference.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1540) to amend the Public Health Service Act to extend and improve the provisions thereof authorizing contracts and grants to encourage full utilization of nursing education talent, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H. 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I ask for the yeas and nays on my understanding.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I wish to allow myself 1 minute to urge Members of the Senate not to go too far away, and, if possible, to remain in the Chamber. It may not

take the full hour to come to a vote on the pending understanding, and it will save much time if what I have suggested is given serious consideration.

Mr. DODD. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DODD. I join the majority leader in saying to the Members of the Senate that I do not think it will take anywhere near the full hour. I shall not require more than 15 minutes.

Mr. MANSFIELD. So it may take perhaps 15 or 20 minutes.

Mr. DODD. Mr. President, I would like to have the attention of my colleagues. I think this is important.

Mr. President, this is a very brief understanding. It simply says that the "United States shall deposit its instrument of ratification simultaneously with the Soviet Union, at a time to be agreed upon."

It is a very simple matter, but I think a gravely important one.

I offer this understanding to the resolution because while it in no way affects the sense of the treaty, the addition of this understanding may help us to avoid certain political pitfalls which might arise if we rushed to deposit our instrument of ratification while the Soviet Union held off in depositing its own instrument of ratification.

Great Britain has already deposited its instrument of ratification. I assume we will ratify this treaty. But I do not want to see us deposit that instrument of ratification until the Soviet Union, at the same time, in a common ceremony, deposits its instrument of ratification.

Why should not that be so? The first thing I want to point out is that the text of the treaty establishes no deadline for the deposit of the instruments of ratification.

While the report says it is the opinion of the committee that the major powers should deposit their instruments of ratification at the same time, there is nothing in the resolution of ratification that requires it.

One may say, "What about it? What is the danger?" We got into the consular treaty, after some debate. Some of us had doubts about it. At any rate, the Soviet Union did not deposit its instrument of ratification for a year or more afterward.

I do not know what it was up to. But I do not want it said, after we have deposited our instrument of ratification, that there is some other understanding or interpretation, or perhaps some reason for the Soviet Union's not depositing its instrument of ratification at all.

Why not deposit our instruments of ratification simultaneously, if everything is on the level?

Great Britain has deposited hers. I am sure we will deposit ours. There will be only one left, the Soviet Union. I think it ought to be required to do the same thing at the same time.

According to several news articles, the Soviet Union and other Communist states have let it be known that they do not intend to ratify the treaty unless and until it has been ratified by the West German Government. More than one commentator has made the statement

that we can expect no action by the Bonn government until after the September election in that country, because there is a lot of misgiving over the treaty in political circles.

What worries our German allies is not that the treaty would prevent them from developing nuclear weapons of their own because they have already given that option at the point of joining NATO. What worries them is that the treaty appears to place a prohibition on the development of a European deterrent force.

There is no assurance that West Germany will sign the treaty even after the September election. If it does not, then it is clear the Soviet Union will seize the situation to make West Germany an international whipping boy and to drive a further wedge between the United States and some of its principal NATO allies.

But the Soviet Union could very well hold off. It has said it will not do anything until West Germany does. We might then be in the position of having deposited the instrument of ratification, as has Great Britain, and, I expect, we would consider ourselves bound by it.

The Soviet Union may wait a year or more, as it did in the Consular Treaty, or it may not ever deposit its instrument of ratification.

I do not know why we should not deposit our instruments of ratification together. There are only three of us—the United States, Great Britain, and the Soviet Union, and Great Britain has already done it. Why not do it together? That is the way contracts are signed.

Mr. JAVITS. Just to elucidate the situation, does not the Senator agree that, as a matter of international law, even though we cast a vote for ratification, that does not make the treaty take effect until the President actually deposits the instrument of ratification?

Mr. DODD. That is correct. That is what I am talking about—depositing.

Mr. JAVITS. I understand.

Mr. DODD. I say that when we deposit the ratification, in all fairness, I can see no reason for any objection to an understanding that the Soviet Union should deposit its ratification at the same time.

Mr. JAVITS. But does the Senator agree that the treaty does not take effect until the President actually does that?

Mr. DODD. That is correct.

Mr. JAVITS. And that the President may withhold it if he chooses, even though we vote to ratify?

Mr. DODD. I think that is correct, but I think that is immaterial.

Mr. JAVITS. Should we not give our President some flexibility? Perhaps in this case, for very good reasons, he would like to delay our deposit until a year later than the Russians, just as the Russians chose to do in connection with the Nuclear Test Ban Treaty. Why do we have to tie ourselves to simultaneous action with the Russians?

Mr. DODD. Mr. President, there is nothing in this treaty that directs the President to do anything. It simply says, as part of this resolution of ratification, that when the instruments of ratification are deposited, this shall be done simultaneously. It does not say when the President has to deposit it, or that he

ever has to deposit it. It simply says that when the President does deposit it, the Soviet Union shall deposit its instrument of ratification at the same time, in a common ceremony.

If the Senator says this might cause delay, I say that is the best argument for my understanding. What delay will it cause if the Soviet Union is in good faith with regard to this treaty? Then it ought to say, "Why, of course, we are ready, let us both sign up together, like parties to any agreement do."

I think there is a possibility that the Soviet Union may react to the possible refusal by the West German Government to sign the treaty by again invoking its proclaimed right to intervene in West Germany.

On the other hand, if West Germany does adhere to the treaty, we might find the Soviet Union, at the point of depositing its own instrument, attaching conditions, reservations, or interpretations. I do not think any of us want to see that happen.

As I tried to point out yesterday, and as a majority of the members of the Committee on Foreign Relations have pointed out, the language of the treaty is ambiguous on many points.

I could go on and talk at greater length about this matter, but I think it is that simple. I am not happy about some other aspects of the treaty.

I think the President has done the best he can.

I understand the attitude of members of the Committee on Foreign Relations, and others. I have no ill will about the vote on the understanding I offered earlier. I believe it was right. But as to this one, I say to my fellow Senators, I deeply and truly believe we should act affirmatively.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. PASTORE. I believe a fundamental mistake that is being made in discussing this treaty, Mr. President, is in the supposition that the treaty is an accommodation to Russia. I would hope, because I have lived with this matter from the time of its beginning, that Senators would read the treaty very carefully.

It is a fact, Mr. President, that insofar as the United States of America is concerned, under this treaty we are not being obligated to do anything that we are not doing today; and as far as Russia is concerned, she is not being obligated to do anything she is not doing today. The only people who are sacrificing part of their sovereignty under this treaty are the nonnuclear powers.

All we are trying to do here is bring the nonnuclear powers into the fold, by inducing them to agree that they will not fabricate atomic or hydrogen weapons, and that they will permit an international agency to inspect their peaceful atomic establishments to make sure that none of the material is being diverted to military purposes. Unless we understand that, Mr. President, I think we are losing sight of the very essence of this treaty.

Russia is just as much interested as the United States is interested in seeing that these bombs do not get into the

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hands of other irresponsible governments which today do not have them. That is essentially what this treaty is all about. But one might think, by listening to the debate on this floor, that here is the United States of America, bowing to the great power of Russia and accommodating Russia.

We are not doing that at all. Mr. President, do you know whom this treaty accommodates? It accommodates mankind. We must understand that fact.

What we are saying here today is that unless we stop this madness of every country in the world making bombs—and there are enough bombs today to destroy the world—some crazy trigger-man, one day, will let this thing go off and burn this world. We are trying to avoid that.

I realize that this treaty is not the panacea or the cure-all for all of our problems. I understand that completely. But the fact still remains that unless we make a beginning, we will have a disastrous ending.

We have been struggling with this matter for months and months. I have talked with Bill Foster. I have talked with Adrian Fisher, and I have talked with all our negotiators. I even went to Geneva. All we are trying to do in this case is to reaffirm the present law.

This country could not give a bomb away without Congress authorizing it. We are not giving a bomb away under this treaty; and as far as I know, even Russia is being careful enough not to give her bombs away. And if she ever gets around to doing that, we can break the treaty if we want to. There is enough leeway under this treaty to do that.

But I leave this thought with the Senate, and I hope it will be understood: This treaty is not an accommodation to Russia. If I thought it was, I would not vote for it. This treaty is an accommodation to mankind and the survival of our civilization.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DODD. Mr. President, I am running out of time. I appreciate the eloquence of the Senator from Rhode Island, but I do not wish to lose all my time to the other side.

I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I agree with the Senator from Rhode Island, in part; this treaty means what he says. However, I agree very strongly with the Senator from Connecticut that his proposed understanding is useful. I think it would serve to indicate to the world, when we ratify the treaty, as I think we shall—I shall certainly vote for its ratification—that the United States, having ratified, the pressure is in only one place, and that is on the third remaining depository, which is the Soviet Union. I think that our withholding of deposit would be a method of indicating to the nations of the world that we are in accord with this treaty, but that we are simply waiting while one other of the depositories makes up its mind when it is going to bring the relative calm and peace to the many nations of the world which are non-nuclear. I think it is the best device available to us to bring some

pressure on the Soviet Union, which may result in a much earlier ratification and deposit by the Soviets than would otherwise be the case.

Therefore, I support the understanding of the Senator from Connecticut.

Mr. DODD. I thank the Senator from Florida. He is a great Senator and his support means a great deal to me.

The Senator from Rhode Island is, indeed, a persuasive, knowledgeable, and eloquent Member of this body. He is a very difficult Member with whom to debate, because he has such great ability. But having said as much as I could about the real thrust of this understanding, I want to point out for the Record that I do not agree when the Senator says the treaty is not an accommodation to the Soviet Union. I think it is. If it were not, I do not think they would be in it for one second.

I do not know of anything in their entire record, any time, any place, where they ever did anything for anybody unless it advanced their cause and their interests.

They have broken over a hundred agreements with us. I asked here earlier, in relation to the first understanding I offered, how often we have to be reminded of this.

I do not think there is any doubt about their interest in the treaty being greater than ours. That is why they are pressing for it. That is why they want it. But that is all right with me, if they will live up to the treaty.

I agree with the distinguished senior Senator from Rhode Island that this can be a great day for the world.

I know the interest of the Senator from Rhode Island in peace. The Senator is vice chairman of the Joint Committee on Atomic Energy. He has vastly more knowledge than I have on the subject. However, he misunderstands my purpose.

I feel that it is greatly to their interest. They are pushing so hard, at so many points I am afraid that they might try some new move.

The Senator from Rhode Island is a good lawyer. He is well known in his own State and beyond the borders of his State as being an excellent lawyer. He knows that when parties enter into a contract, they usually sign the contract together, simultaneously. Sometimes there is a little delay. However, on this treaty we are likely to run into a delay of a year or more. I do not know how long the delay will be or what will happen in the meantime.

The Senator knows what happened with relation to the honest agreement we had—it was an executive agreement—with the Soviet Union to suspend all tests of nuclear weapons. We got into that agreement by taking their word on the matter. They, without any warning or notice to anybody, suddenly embarked on their massive series of atmospheric tests and spread radioactive debris all over that part of the world.

The Senator can trust them if he wants to. I do not. I do not know of anything in their record that would compel me or lead me to do so.

I hope they will be trustworthy. I think our best hope is that they will change. It

is a sensible thing to say to them, "Let us ratify this treaty together. This is what we agree on. Let us go ahead."

That is all I am asking for, and no more. I am not trying to defeat the treaty. I may vote for it myself. I am simply trying to make sure that we do not run into any more of the disappointments and betrayals I have referred to.

I might add an additional sentence or two since the Senator could not be present at the time we were discussing the earlier understanding.

I am really afraid of another Czechoslovakia. And I know that there are those who say that is nonsense. I do not know why it is nonsense. They did it 6 months ago. There are rumbles now about Romania. Tito is alarmed.

We do not know what these people will do if the extremists are still in control, as I am afraid they are, in the Kremlin.

Despite our desire for peace, despite President Nixon's eloquent statement in his inaugural address of his desire to seek peace, we all know that we have always gone that extra mile. We are still on that road. What a little thing it would be to ask that they deposit their instrument of ratification at the same time we do.

That is the case I am trying to make, and that is all.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Connecticut has 10 minutes remaining.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, certainly I do not want to be placed in the position this afternoon of being the devil's advocate.

I hate what the Russians have done as much as does anyone else in the Senate. I am not certainly standing here today to defend Russia. I am not defending Russia for setting up the missiles in Cuba. No one has been more critical of that than I.

The fact still remains that under President Kennedy we did bring about the Nuclear Test Ban Treaty which, in my opinion, is a triumph for our time, without any question.

Since that time, there has not been an explosion in the atmosphere by any of the signatories to that treaty. Perhaps eventually there will be an abrogation of that treaty or a violation of that treaty then we can act accordingly.

The point that I am making here today, however, is that the awesome power we are talking about here has to be brought under control, and we have to begin to do that step by step.

Under the very terms of this treaty, it cannot take effect after it is ratified until such time as the three nuclear powers that we are talking about file the treaty and deposit it. That refers to Great Britain, the United States, and Russia, plus 40 other signatories to the treaty.

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Of course, there are only two other nuclear powers in the world—France and Red China—but they are not parties to this Nonproliferation Treaty. Under Section 3 of Article IX, which appears on page 5, it states very clearly:

This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification.

That is it.

Mr. President, all I am saying is that we cannot confuse this issue on the floor by means of reservations or understandings or amendments.

This measure has gone through the Committee on Foreign Relations. We have had hearings in which the members of the Joint Committee on Atomic Energy joined.

I realize the fear of my good friend, the Senator from Connecticut, with reference to the threat of Russia. I am not trying to minimize that at all. All I am saying here today is, first, the treaty protects us against the thing he fears; and, second, we always have the backstop of the President who can deposit this treaty anytime he deems it is in the interest of the United States of America to do so.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, there is not much I can add to what the distinguished senior Senator from Rhode Island has said in opposition to the pending understanding which, in my opinion, is unnecessary, unneeded, and would accomplish nothing.

I agree with the Senator from Rhode Island when he says that this treaty is an accommodation for all mankind. I disagree with my distinguished friend, the Senator from Connecticut, when he states that this is an accommodation to the Soviet Union. Nothing could be farther from the fact.

When we arrive at an agreement, when we consider a treaty after 4½ years of deliberation, when we have a proposal before us which is approved by both the preceding Democratic President and the present Republican President, then I think we have gone into the matter just about as consistently and assiduously as we can.

I think this treaty is an accommodation for mankind. No one can speak more forcefully or more factually on that point than can the distinguished senior Senator from Rhode Island, the present vice chairman of the Joint Committee on Atomic Energy, who was chairman of that joint committee in the preceding 2 years. The Senator from Rhode Island knows whereof he speaks.

I recall the words of Col. Frank Borman, the commander of the Apollo 8 flight, who, when he looked down on this little globe from up in the area of the moon, said it is so small and so beautiful, and he remarked how he longed to be back here. But this so small and so beautiful earth could be blown up if we

were to live in the past and forget the many dangers confronting this world today.

We must look to the future. We should not perpetuate a credibility gap based on events which happened 10, 20, or 30 years ago. We should not keep alive old antipathies, old resentments, and old policies.

We should think of people, not governments—of people, regardless of the type of government under which they live.

This body has a grave responsibility, and it will not be diminished by avoiding the questions which confront us, no matter how difficult they may be and no matter how emotionally they may be presented.

What the distinguished Senator from Connecticut is advocating today has already been recommended in the committee report, and therefore is completely unnecessary. If I may read from page 17 of the report:

The committee expresses the opinion that this treaty is of such significance that the administration should endeavor to arrange for the major nuclear powers to deposit their instruments of ratification contemporaneously—

Contemporaneously—

thus emphasizing the historic nature of the event and avoiding insofar as possible misunderstandings which might otherwise arise.

Again, if we adopt this understanding, we will be opening up the treaty to all kinds of understandings and reservations and misunderstandings so far as the signatory powers are concerned. Making such an absolute requirement by this understanding assumes a lack of confidence in Secretary of State Rogers and President Nixon, who, after all, have the constitutional responsibility for depositing the instrument of ratification. That is the President's responsibility, and he can deposit the instrument at his own discretion. It could be next month, next year, or 5 years from now.

I add one further item, and this is a repetition of what the distinguished Senator from Rhode Island has already said. The third paragraph of article IX reads:

This Treaty shall enter into force after its ratification by the States—

"The States" refers to the United Kingdom, the U.S.S.R., and the United States—

the Governments of which are designated Depositaries of the Treaty—

That means, of course, the places for deposit are Moscow, London, and Washington—

and forty other States signatory to this Treaty and the deposit of their instruments of ratification.

Mr. President, I intend to do what I can to uphold the hand of the President of the United States, and I intend, insofar as I possibly can, to allow President Nixon as much discretion as possible. He is not a hasty man. He is a man who will move carefully, cautiously, with a full awareness of the facts; and if the Senate approves this treaty, I am quite certain that at an appropriate time, all the facts considered, the President will do the job

which is his. I would uphold the President's discretion in this matter. I have faith in him.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Who yields time?

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 10 minutes remaining.

Mr. DODD. I am happy to yield 4 minutes to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I do not like to be in opposition either to my distinguished majority leader or to the distinguished former chairman of the Joint Atomic Energy Committee.

I desire to call attention to the fact, however, that the committee which considered this matter has already expressed its opinion that the course suggested by the pending understanding of the Senator from Connecticut should prevail. I see no reason why other Members of the Senate should not have the same privilege and the same opportunity. In so far as the Senator from Florida is concerned, he is going to exercise that privilege and accept that opportunity by voting for this understanding.

This understanding would not disturb the treaty in any way. It is not a reservation. It would be persuasive only upon the President, as he may act. I have great confidence in the President, and I would much rather that he knows how keenly I feel about this matter than to have it simply stand upon a recommendation of the Committee on Foreign Relations, which has already been read into the Record and which appears on page 17 of the committee's report.

I read only a part of it now:

The committee expresses the opinion that this treaty is of such significance that the administration should endeavor to arrange for the major nuclear powers to deposit their instruments of ratification contemporaneously—

That is, at the same time.

Mr. President, I strongly agree with that expression of opinion. I believe that every Senator on the floor of the Senate should have a chance to join in that matter. I do not know how we can join in it without voting for this understanding.

My own feeling, may I say with great respect to my majority leader, is that in attaining or helping to the maximum of our ability to attain this boon to humanity about which he rightly speaks, we will have accentuated our own influence in that matter, by making it clear to the world that we ratify; that only one step is necessary to go further; that then 40-odd nations or 50-odd, or however many nonnuclear nations are relying upon this treaty, will have the relief which they get under this treaty; and that only one nation stands in the way of perfecting this arrangement, which does bring a boon to mankind.

I believe it will have a real influence in the world, because much of the world will say that we are waiting on only one thing, and that is for one of the nuclear nations to itself ratify and deposit. We will have ratified. We are ready to deposit. We will have invited Russia to deposit. It seems to me that we will have

put ourselves in the strongest possible position in the mind of the world generally, and in the strongest way to get early, complete ratification of this treaty, by following this course.

I believe we should support the understanding of the Senator from Connecticut.

Mr. DODD. I thank the Senator from Florida for his excellent contribution.

Mr. MANSFIELD. I am prepared to yield back the remainder of my time.

Mr. President, I have made my arguments. I think they are valid. I have tried to bring to the attention of the Senate the attitude of the Committee on Foreign Relations toward this understanding, and also to express—and I do so again—my faith in the discretion of the President of the United States in carrying out his constitutional responsibility as to when in his judgment would be the right time to deposit the instruments of ratification. To reiterate: I do not think that President Nixon would rush to make that deposit.

Mr. DODD. Mr. President, it seems to me that my argument has not been answered. It has been bolstered by the Senator from Florida.

Nothing in this understanding says that the President of the United States has to do anything. He does not ever have to deposit it. Not one word in this understanding directs the President to do anything.

I have just as much confidence in our President as anyone else has. I have great confidence in him. I do not have any doubt about the fact that he wants to achieve a real settlement for peace in the world. I am content to put our case in his hands. I do not worry about the President, I do worry about the careless way we are getting into this treaty, and I do worry about the Soviet Union.

The majority leader eloquently says that we should no longer live in the past. I do not think I am living in the past. I am not talking about 10, 20, or 30 years ago. I am talking about 6 months ago, when I talk about Czechoslovakia. I am talking about 4 months ago, when they threatened Western Germany. I am talking about 3 months ago, when they said they could intervene in any so-called Socialist country. There is no ancient history about this. There is nothing more current.

I am well aware of the language in the committee report. I believe it is good language. It is the opinion of the committee that this should be done simultaneously, and the Senator from Florida has put the case better than I. That is the reason for offering the understanding. If the members of the committee think that simultaneous deposit is right, why not say so? Why not do what we can do to make sure that is so?

The one thing that troubles me is that it seems I am being placed in a difficult position by offering the understanding and I do not think I should be.

I do not think my understanding will open the way to all kinds of understandings. It would not do anything of the sort. If the Soviet Union is on the level, and I hope it is, and I hope it is becoming more so, I still say we better

look out because we are not living in ancient history.

When I said that it is an accommodation to the Soviet Union, I meant that is why they are so greatly interested.

When we disregard the words of the preamble, instead of adopting the previous understanding I offered, then those small nations now foregoing their right to develop their own nuclear weapons are the ones who may not be accommodated by future developments.

Without the preamble, I say again, we would have no one signing this agreement.

I, too, shall support the President. I shall support him, as I have been trying to do, and shall do, I believe in him and I believed in him for many years. I watched him when he presided over this body. I have no doubt about the President. I think this measure would help him. I know that the Secretary of State, the chairman of the Committee on Foreign Relations, and everyone else want to end this nuclear race; and I do, too.

I have no doubt about our motivations in entering into this treaty. However, I think it would be helpful if we adopted this simple understanding.

How can the Soviets say no? For the life of me, I do not understand. I hope that some day people do not come around and say, "It is too bad we did not do these things."

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DODD. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. In the event the Senate by this vote turned down the Senator's understanding, would not that make it appear that at least the Senate doubts the wisdom of the committee opinion as expressed in its report?

Mr. DODD. That is an excellent point which had not occurred to me. The Senator is correct. It seems to me it would. It seems to me when it is said if we adopt this understanding it would cause delay—what delay?—that seems the best argument for it. If they have in mind delaying because of some understanding of this kind, then heavens above, what will they do in other instances?

I think the Senator's point is well taken and it is one of the best reasons offered for agreeing to the understanding. I am for everything we are trying to do in the treaty.

The PRESIDING OFFICER. All time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I cannot agree with the interpretation made by the Senator from Florida, although he is entitled to his thoughts on this matter. I think the Record should speak for itself.

The distinguished Senator from Connecticut is a member of the Committee on Foreign Relations. He expressed no objections when the committee went over the report.

I invite the attention of the Senate again to the committee language:

The committee expresses the opinion that this treaty is of such significance that the administration should endeavor to arrange for the major nuclear powers to deposit their

instruments of ratification contemporaneously, thus emphasizing the historic nature of the event and avoiding insofar as possible misunderstandings which might otherwise arise.

I also call attention to paragraph 3 of article IX of the treaty before us today which reads:

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification.

I believe that the treaty, the report, and the constitutional responsibility of the President to use his discretion as to when the instrument of ratification shall be deposited are sufficient to guarantee that nothing untoward would take place; and I point out that if we adopt an understanding of this nature, what would stop the Soviet Union from saying they will not sign unless West Germany does so. Other countries might do the same thing, and it could create a situation that adds confusion and does not add a degree of stability to what this administration and the previous administration both have been trying to do.

Mr. President, I yield back the remainder of my time.

Mr. DODD. Mr. President, will the Senator yield to me 1 minute? He is a generous man.

Mr. MANSFIELD. I yield 1 minute to the Senator from Connecticut.

Mr. DODD. I thank the Senator from Montana.

Mr. President, the Senator made reference to the fact that I did not voice opposition in committee. I sat in committee and I voted "present."

Mr. MANSFIELD. The Senator is correct.

Mr. DODD. I had not been able to do all the work I wanted to do on this matter. My position was that I did not want to take a position.

Mr. MANSFIELD. That is understood. But, then, the committee went over the report paragraph by paragraph. When objections were raised to language, changes were brought about; and when no objections were raised to language, the committee, ipso facto, accepted the language.

I yield back the remainder of my time.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired; and the Senator from Montana has yielded back the remainder of his time. The question is on agreeing to Executive Understanding No. 3 offered by the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Wyoming (Mr. MCGEE) and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK) is absent because of illness.

The Senator from Colorado (Mr. ALLOTT), the Senator from Arizona (Mr. GOLDWATER) and the Senator from Illi-

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nois (Mr. PERCY) are detained on official business.

If present and voting, the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK) would each vote "nay."

The result was announced—yeas 15, nays 79, as follows:

[No. 20 Ex.]

YEAS—15

Allen	Holland	Miller
Byrd, W. Va.	Hollings	Russell
Dodd	Jordan, N.C.	Stennis
Eastland	Long	Thurmond
Ervin	McClellan	Tower

NAYS—79

Aiken	Gore	Murphy
Anderson	Gravel	Muskie
Baker	Griffin	Nelson
Bayh	Gurney	Packwood
Bellmon	Hansen	Pastore
Bennett	Harris	Pearson
Bible	Hart	Pell
Boggs	Hartke	Prouty
Brooke	Hatfield	Proxmire
Burdick	Hruska	Randolph
Byrd, Va.	Hughes	Ribicoff
Cannon	Inouye	Saxbe
Case	Jackson	Schweiker
Church	Javits	Scott
Cook	Jordan, Idaho	Smith
Cooper	Kennedy	Sparkman
Cotton	Magnuson	Spong
Cranston	Mansfield	Stevens
Curtis	Mathias	Symington
Dirksen	McCarthy	Tydings
Dole	McGovern	Williams, N.J.
Eagleton	McIntyre	Williams, Del.
Ellender	Metcalf	Yarborough
Fannin	Mondale	Young, N. Dak.
Fong	Montoya	Young, Ohio
Fulbright	Moss	
Goodell	Mundt	

NOT VOTING—6

Allott	Goldwater	Percy
Dominick	McGee	Talmadge

So Executive Understanding No. 3 was rejected.

EXECUTIVE UNDERSTANDING NO. 5

Mr. THURMOND. Mr. President, I call up my Understanding No. 5.

The PRESIDING OFFICER. The clerk will state the understanding.

The bill clerk read as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the understanding, which is to be made a part of the instrument of ratification, that the Treaty will be construed in accordance with the answers given by the United States in response to certain questions by other members of the North Atlantic Treaty Organization, which questions and answers are as follows:

"1. Q. What may and what may not be transferred under the draft treaty?

"A. The treaty deals only with what is prohibited, not with what is permitted.

"It prohibits transfer to any recipient whatsoever of "nuclear weapons" or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use.

"It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads.

"2. Q. Does the draft treaty prohibit consultations and planning on nuclear defense among NATO members?

"A. It does not deal with allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results.

"3. Q. Does the draft treaty prohibit arrangements for the deployment of nuclear weapons owned and controlled by the United States within the territory of non-nuclear NATO members?

"A. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.

"4. Q. Would the draft prohibit the unification of Europe if a nuclear-weapon state was one of the constituent states?

"A. It does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components. A new federated European state would have to control all of its external security functions including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions. While not dealing with succession by such a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multilateral entity."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 30 minutes on the pending understanding, the time to be equally divided between the distinguished Senator from South Carolina (Mr. THURMOND) and the distinguished chairman of the committee, the Senator from Arkansas (Mr. FULBRIGHT), and that the last 10 minutes be allocated to the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, as I understand, this is the last matter that will come to a vote before the final action on the treaty. Is that correct?

The PRESIDING OFFICER. The Chair does not know.

Mr. THURMOND. Mr. President, a critical question with regard to the NPT concerns our nuclear-sharing arrangements with our military allies in NATO. On the face of the treaty, any transfer of nuclear weapons or explosive devices, or control over them, is prohibited to any recipient whatsoever, directly or indirectly. The key words here are "transfer," "recipient," and "indirectly." The definition of those words is not spelled out, and they leave us open to accusations that we are breaking the treaty by our deployment of nuclear weapons on the soil of our nonnuclear allies.

Are we "transferring" warheads when we physically transfer them to another country, but retain control? Is that country "receiving" them "indirectly"? Does the treaty permit us to retain the present deployment, but prohibit us from "transferring" improved nuclear weapons to that country in the future?

The answers to these questions ought to be "No," and it is reassuring that the official witnesses testifying before the Senate committees adopted that position. In transmitting the treaty to President Johnson, Secretary of State Dean Rusk appended a list of four questions asked

by our NATO allies, and the answers supplied by the United States. In effect, these four questions constitute our interpretation of the treaty, and they are part of the so-called legislative history of the negotiations.

Unfortunately, the four questions imply an interpretation that may appear to some to be at variance with the text of the treaty. The treaty says there shall be no transfer to any recipient whatsoever, directly or indirectly. The four questions say that the deployment of nuclear weapons on allied soil is not transfer within the meaning of the treaty because such deployment does not involve the transfer of control until the moment we decide to go to war. There is nothing in the treaty to differentiate between physical transfer of hardware and the transfer of control. That important distinction rests only upon our own unilateral interpretation expressed in our consultations with our allies.

Therefore, I am going to propose that the Senate adopt its understanding that the treaty is to be interpreted according to the principles set forth in the four questions. The four questions constitute a collateral document which is not clearly inserted into the legislative history of the negotiations. I am informed that it does not appear in the records of the 18-nation Disarmament Committee. Even if it did so appear, I would think that the Senate would be eager to put itself on record as endorsing the principles of interpretation set forth both by the administration of President Johnson and the administration of President Nixon. Therefore, I am submitting, as a formal understanding, an amendment to the resolution of ratification which will incorporate the four questions verbatim as endorsed by both administrations. This will not be a reservation which would change the obligations of the treaty, or an amendment to the treaty itself, which would require renegotiation. My proposal is simply an understanding by the Senate that the Senate supports the interpretation set forth by two administrations. Not one word has been changed or qualified.

Even though, on balance, I oppose the ratification of the treaty, I believe that all of us will want the record on this point to be clear. Many reports now say that the treaty will be ratified. I would like to be able to go as far along with this treaty as possible, and to indicate my desire to achieve world peace. If the treaty is ratified without this understanding, some may doubt that our intentions are fully on record. My mail is overflowing with letters opposing this treaty from every section of the country. I would like to be able to reassure my constituents and correspondents on this point, even if the treaty is ratified, and I am sure that all of us would like to be able to do likewise.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes, or such time as I may require.

I have said, and the Senator, I think, made it quite clear, that these questions and answers were circulated to achieve a better understanding of certain aspects

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of the treaty. Unfortunately, to try to incorporate all such interpretations into the language in the treaty would make the treaty so complicated that it would not really serve its purpose.

I think the way it was handled is not too bad. Senators will find the questions and answers referred to by the Senator from South Carolina in the message of transmission from the President of the United States on page 6. They were submitted, in other words, together with the treaty itself, for the information of the Senate.

These questions and answers have been circulated, and their meaning is quite clear, as the Senator from South Carolina has already stated, that what is prohibited by this treaty is the transfer of control of nuclear weapons. Of course, that prohibition is consistent with our own domestic law under the McMahon Act. On the other hand, nothing in the treaty prevents the physical stationing, under our control, of nuclear weapons in the territory of our allies.

Let me make it clear that it is no objection to substance of the understanding offered by the Senator from South Carolina. As I have said before, my objections are procedural. If we begin to attach to the resolution of ratification all of our different views and interpretations, the procedure, I believe, arouse questions in the minds of the other countries which will be expected to approve the treaty. I would think that this understanding could well inspire the Russians to feel that, if we were going to attach understandings which pertain to our NATO allies, they would feel that they ought to do likewise for their Warsaw Pact allies.

This understanding offered by the Senator from South Carolina would put the Russians in the politically difficult position of having to agree to all of these understandings which do not directly concern them. As a result, I suppose some of their allies would say—"Why do you do not do the same for us?" I think it would merely complicate the process.

In sum, Mr. President some of the understandings that have been submitted I do not disagree with on the merits, but I do not think they ought to be made a part of the actual formal instrument. Therefore I cannot accept the Senator's understanding, and I hope that the Senate will vote against it.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I yield back the remainder of my time. If the Senator from South Carolina wishes to conclude, that is all right with me.

Mr. THURMOND. Mr. President, in answering the distinguished chairman of the Committee on Foreign Relations, I wish to quote Charles Evans Hughes as the authority for my position.

There is plenty of precedent for this procedure. Hackworth's Digest of International Law, volume 5, cites a letter of Charles Evans Hughes to Senator Hale, of July 24, 1919, with regard to the treaty of Versailles. Hackworth was the State Department's legal adviser, and is the preeminent authority in this field. Charles Evans Hughes wrote as follows:

But where there is simply a statement of the interpretation placed by the ratifying State upon ambiguous clauses in the treaty, whether or not the amendment is called a reservation, the case is really not one of amendment, and acquiescence of the other parties to the treaty may readily be inferred unless express objection is made after notice has been received of the ratification with the interpretive statement forming a part of it.

Statements to safeguard our interest which clarify ambiguous clauses in the covenant by setting forth our interpretation of them, and especially when the interpretation is one which is urged by the advocates of the covenant to induce support, can meet no reasonable objection. It is not to be supposed that such interpretation will be opposed by other parties to the treaty, and they will tend to avoid disputes in the future.

The President, that is exactly what we are trying to do here, to avoid any dispute in the future.

Article I, Mr. President, reads as follows:

Each non-nuclear weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons.

That means that nuclear weapons will not be transferred. But yet, under the questions that were answered by Mr. Rusk, he says that is not the interpretation that he places upon it, that what he means is that it does not permit transfer of control.

For instance, suppose the United States decided to place some nuclear weapons in Holland, which we would have a right to do. Under this treaty, if you construe it strictly, we could not do that, even though Mr. Rusk says it does not mean we cannot transfer the physical nuclear weapons, it merely means that we cannot transfer the control to Holland of the nuclear weapons.

If that is the reasoning, I think it is important for these questions and answers, which have been agreed to by two administrations, the Johnson administration and the Nixon administration, to be included in the resolution of ratification here, so that no question can arise on that point.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. I do not know, but perhaps this reiterates the point I have made. The Senate has considered several understandings, including the understandings of the distinguished Senator from South Carolina. I do not disagree with their substance.

I think even if we could pick and choose among these understandings, that in itself would be bad practice. The Senate has already voted on these matters. As to the understanding, I do not want to be misunderstood as disagreeing with the Senator's interpretation. I agree with the Senator's interpretation, and the executive branch agrees with it. But we would force other nations which we hope will sign this treaty to take public positions upon our particular interests, and I do not know why we would want to put them in that position.

If we do it, a lot of them would feel that, as sovereign nations, they would

have to do likewise; and if we keep doing that, it would be an interminable process. But I agree with what the Senator says on the substance.

Mr. THURMOND. Mr. President, I am pleased that the distinguished Senator from Arkansas agrees that the questions propounded by the NATO countries and answered by Secretary Rusk are true and accurate and are included in the report of the Committee on Foreign Relations.

Mr. FULBRIGHT. The Senator is correct.

Mr. THURMOND. The only question is that the Senator feels it is not necessary for those to be included here as an understanding.

I say that it is necessary or ought to be necessary in view of another construction that might be placed upon this treaty in articles I and II which I just explained a few moments ago.

Why should we allow some question to arise when we can avoid it now with an understanding that will be included within the resolution of ratification?

I favored the reservations of the distinguished Senator from North Carolina and the understandings of the distinguished Senator from Connecticut. I think they were good and should have been adopted.

My understanding is clearly an understanding which includes questions raised by the NATO countries and answered by Secretary Rusk. These questions and answers were also later adopted and approved by the Nixon administration as well as the Johnson administration. I can see no objection to letting them be included as an understanding, because that is what the Government intended. However, since the treaty does not interpret it that way, there could be some misunderstanding.

It seems to me that we could avoid that possible misunderstanding by doing this.

Mr. President, during the debate of the past few days, there seems to have been a presumption that it is somehow inappropriate for the Senate to attach reservations or understandings during the process of ratifying the treaty. I cannot accept that presumption. The attachment of reservations and understandings to treaties has a long and honorable history. It is part of the treaty-making obligations of the Senate. It implies no criticism of those who negotiated in good faith. The text that was struck off in the heat of negotiations, under the pressure of give and take may appear in a different light a few months later when the opportunity is presented for reflection and a calmer look at its implications.

I am confident that my understanding will not require renegotiation, and that it will not meet conflict with the other parties to the treaty. Indeed, the other parties will appreciate our international courtesy in putting the views of the United States on official record in the negotiating process. There is plenty of precedent for this procedure. Hackworth's Digest of International Law, volume 5, cites the letter of Charles Evans Hughes to Senator Hale, July 24, 1919, with regard to the Treaty of Ver-

sailles. Hackworth was the State Department Legal Adviser, and is the pre-eminent authority in this field. Charles Evans Hughes wrote as follows:

But where there is simply a statement of the interpretation placed by the ratifying State upon ambiguous clauses in the treaty, whether or not the amendment is called a reservation, the case is really not one of amendment, and acquiescence of the other parties to the treaty may readily be inferred unless express objection is made after notice has been received of the ratification with the interpretive statement forming a part of it.

Statements to safeguard our interest which clarify ambiguous clauses in the covenant by setting forth our interpretation of them, and especially when the interpretation is one which is urged by the advocates of the covenant to induce support, can meet no reasonable objection. It is not to be supposed that such interpretation will be opposed by other parties to the treaty, and they will tend to avoid disputes in the future. (Hackworth V; 103.)

This is exactly the case with my understanding. It is the interpretation urged by those who favor the treaty. It can meet with no reasonable objection. The other parties to the treaty will favor it, since it will tend to avoid disputes in the future.

Furthermore, if reservations or understandings were not to be permitted, it would be reasonable to find them prohibited in the text of the treaty. This is a common practice in treaty making. Two examples are the Declaration of London and the League Covenant. This treaty does not prohibit understandings, so we must presume that they are permitted.

In fact, some treaties have even set forth the conditions under which reservations would be accepted. The International Sanitary Convention for Aerial Navigation, 1933, is an example. This nonproliferation treaty sets forth no conditions for the acceptance of reservations, so naturally they are in order.

As the precedents show, we need expect no objections, since this understanding simply goes along with what the supporters say it means. The nations which have ratified so far are Cameroon, Canada, Denmark, Finland, Ireland, Mexico, Nigeria, Norway, and the United Kingdom. Does anyone believe that any of these nations would object to an understanding clarifying our NATO rights?

Under international law, the nations which ratify subsequently to our deposit of ratification implicitly accept our understanding. Hackworth says about reservations—and this would also apply to understandings:

As to signatories whose ratifications are deposited subsequent to the receipt by them of notice of the deposit of a ratification with reservations, acceptance of the reservations would seem to be implied from failure to object.

The main reason why a formal communication of intent is necessary is that disputes may arise after ratification which would result in the dissolution of the treaty. If the Senate ratifies this treaty, I think we would all seek to avoid a course which might lead to dissolution over a mere misunderstanding.

I would like to point out that understandings and reservations are binding only upon the party making them—unlike amendments to the text of the treaty. There is no reason to believe that others would seek renegotiation. El'ihu Root wrote to Senator Lodge on June 19, 1919, with regard to the Treaty of Versailles. He said:

This reservation and these expressions of understanding are in accordance with long-established precedent in the making of treaties. When included in the instrument of ratification, they will not require a reopening of negotiation, but if none of the other signatories expressly objects to the ratification with such limitations, the treaty stands as limited as between the United States and the other powers. (Hackworth 135.)

If the understanding is not included in the instrument of ratification, it has no legal effect on our obligations. Mere publicity or distribution of our views is not enough. The legal record must be made and communicated to the other parties. The Kellogg-Briand Pact of 1928—the so-called Treaty for the Renunciation of War—was in spirit similar to the pact we are now discussing. I hope that this treaty, if ratified, will do what its sponsors say it will do to preserve peace, and that it won't meet the fate of the Kellogg-Briand Pact. However, during the negotiation of the Kellogg-Briand Pact, many interpretations and understandings were expressed in the course of the proceedings. Yet none were included in the final document. Such interpretations were held to be binding only on the side of those making them. They show the intent of some of the negotiators. They were not recognized as valid by the other signatories.

The Kellogg-Briand history also shows what happens when these understandings are not incorporated into the instrument of ratification. We have here a clear precedent for Soviet reaction to such a situation. The Soviet Commissar for Foreign Affairs, Litvinov, said in a letter to the French Ambassador in Moscow, August 31, 1928:

... But the said note of the British Government is not communicated to the Soviet Government as forming a constituent part of the pact or an annex thereto, so it cannot be regarded as binding on the Soviet Government any more than the other restrictions concerning the pact that are mentioned in the diplomatic correspondence of the original signatories are binding on the Soviet Government.

The Soviet attitude in this respect is perfectly legal and proper. The Soviets reject the idea that even a formal declaration is valid when it is not contained in the text or its annexes. The Soviets could very well make the same objection to the Rusk memorandum to President Johnson on NATO.

This is not to say that the Soviets would necessarily object to the substance of the understanding. They would object only to the validity of the understanding. We already have the testimony of Gerard Smith, Director of the ACDA, that the Soviets have not objected to our views, even though they are informally aware of our views. The important point—and

this is why I am offering the understanding—is that if this understanding is approved by the Senate, the Soviets will have nothing to which to object.

The Rusk memorandum, consisting of the questions and answers with regard to NATO are not yet part of the official record of the negotiations. I have been informed by the Arms Control Disarmament Agency—ADCA—that the memorandum has not been formally communicated to the other parties to the negotiations. The memorandum was not a part of the proceedings of the 18-nation Disarmament Committee—ENDC. The Soviets have every reason to say, as Litvinov said in 1928, that the memorandum has not been communicated to the Soviet Government as forming a constituent part of the pact or annex thereto.

However, I do not believe the Soviets will object to the substance unless some day a misunderstanding arises. Perhaps this matter has not been fully explored in the negotiations. At some time, we might be charged with violating the treaty. Even if the charge were not true, the text would give color to the argument, and we could lose a war of propaganda. There is no reason why our intent should not be made clear by the Senate officially communicating that intent in the actual ratification process.

As for the interpretation of these words in the text—"transfer," "recipient," "directly or indirectly"—I might point out that our interpretation is a restricted one. In interpreting the treaty, we must do so from the point of view of nonproliferation. The "rights" under the treaty are rights to be free of proliferation. We are interpreting "transfer" in the limited meaning of "transfer of control," as found in our own Atomic Energy Act. But our interpretation of domestic law has no bearing on treaties. The law of treaties is that the most liberal interpretation should be applied—in this case, the interpretation that will insure the least possible proliferation of any sort. The broadest such interpretation of "transfer" would restrict any physical movement or transfer whether control is changed or not.

This is the rule of interpretation which has been handed down by the U.S. Supreme Court. Mr. Justice Stone in *Nielsen* against Johnson said:

When a treaty provision fairly admits of two constructions, one restricting, the other enlarging rights which may be claimed under it, the more liberal interpretation is to be preferred. The rights in question are the rights of the signatories to be free from world proliferation, not the right of the U.S. and NATO to transfer nuclear arms. So the liberal interpretation—that is, any transfer of any kind—would be controlling.

I cite Mr. Justice Stone in another case, *Factor* against Laubheimer:

In choosing between conflicting interpretations of a treaty obligation, a narrow and restricted construction is to be avoided, as not consonant with the principles deemed controlling in the interpretation of international agreements. Considerations which should govern the diplomatic relations between nations, and the good faith of treaties, as well, require that their obligation should be liberally construed so as to effect the apparent intentions of the parties to secure equality and reciprocity between them.

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The same principle has been cited by the Permanent Court of International Justice in the case of the Austro-German Custom Regime:

It is a fundamental rule of interpretation that words must be given the ordinary meaning which they bear in their context unless such an interpretation leads to unreasonable or absurd results.

I ask, what is the common meaning of transfer?

I cite again from the World Court in the case of access to or anchorage in, the Port of Danzig, of Polish war vessels:

The Court is not prepared to adopt the view that the text of the Treaty of Versailles can be enlarged by reading into it stipulations which are said to result from the proclaimed intentions of the authors of the treaty, but for which no provision is made in the text itself.

Mr. President, I submit that it is not enough, on this vital question, of our right to transfer nuclear weapons under our control across the boundaries of NATO countries, to allow our alliance to rest on public statements which are not a part of the official negotiating history. Mere publicity for our views is not enough; it is not controlling. The widest interpretation applies, says the U.S. Supreme Court. Proclaimed intentions are not enough, says the World Court. The Senate should avail itself of its role in the treaty-making process and include our intentions in the resolution of ratification and the instrument of ratification. Then no nation, from any quarter, can ever say that our intentions in this regard were not communicated to them.

I again state that the Thurmond understanding would remove any possibility of misinterpretation of the treaty with regard to the U.S. right to maintain present arrangements with our NATO allies for the deployment of nuclear weapons.

The Thurmond understanding should be adopted because it indicates bipartisan support. As I just stated, it puts the Senate on record in the treaty-making process as favoring the interpretation of the treaty with regard to NATO, endorsed by both the Johnson and the Nixon administrations.

It does not change the meaning of the treaty as explained by the negotiators and would not require renegotiation.

It incorporates verbatim the memorandum sent by Secretary Rusk to President Johnson on July 2, 1968, as appears on pages 262 and 263 of volume I of the Senate Foreign Relations Committee hearings and on pages 11 and 12 of the Senate Armed Services Committee hearings.

This interpretation has not been objected to by the Soviet Union, according to official testimony.

Incidentally, Mr. Smith, the head of the Disarmament and Control Agency, answered the questions I proposed to him on this point.

The understanding would not set any precedents inviting retaliation by other signatories, since our views are already known unofficially to all.

The text of the treaty in articles I and

II appears to be ambiguous with regard to our present and future right to the deployment of nuclear weapons under our control across the national boundaries of NATO countries.

The words "transfer," "control," and "any recipient whatsoever," and "directly or indirectly" are not defined in the treaty. If taken in an exclusive sense, the way could be opened to international misunderstandings, particularly in the distinction between physical transfer and transfer of control.

The Rusk memorandum consists of consultations with third parties, and does not constitute part of the official negotiating history. It does not appear in the proceedings of the 18-nation Disarmament Committee. It has not been officially communicated to other participants and signatories even though our interpretation is unofficially known.

I can see no objection in the world to incorporating this understanding in order to avoid misunderstanding. And I cannot imagine why the chairman of the Foreign Relations Committee would oppose this understanding except that he just does not want to agree to anything offered by any Senator, as I understand. However, I do not think that position should be taken.

I think that if we can go on record as showing that the understanding had been by both administrations, the Johnson administration and the Nixon administration, on the relations of this treaty with our country and our NATO allies, and showing that this treaty does not affect our relationship with NATO, it is important that be done in order to prevent any complication or questions arising in the future.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to Executive Understanding No. 5. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE) and the Senator from Georgia (Mr. TALMADGE), are necessarily absent.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK) is absent because of illness.

The Senator from Colorado (Mr. ALLOTT) and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT) would vote "yea."

The result was announced—yeas 17, nays 77, as follows:

[No. 21 Ex.]

YEAS—17

Allen
Cook
Curtis
Dodd
Dole
Eastland

Ervin
Fannin
Griffin
Hansen
Hollings
Jordan, N.C.

Murphy
Russell
Thurmond
Tower
Williams, Del.

NAYS—77

Aiken	Gurney	Muskie
Anderson	Harris	Nelson
Baker	Hart	Packwood
Bayh	Hartke	Pastors
Bellmon	Hatfield	Pearson
Bennett	Holland	Pell
Bible	Hruska	Percy
Boggs	Hughes	Prouty
Brooke	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, Va.	Javits	Ribicoff
Byrd, W. Va.	Jordan, Idaho	Saxbe
Cannon	Kennedy	Schweiker
Case	Long	Scott
Church	Magnuson	Smith
Cooper	Mansfield	Sparkman
Cotton	Mathias	Spong
Cranston	McCarthy	Stennis
Dirksen	McGovern	Stevens
Eagleton	McIntyre	Symington
Ellender	Metcalfe	Tydings
Fong	Miller	Williams, N.J.
Fulbright	Mondale	Yarborough
Goodell	Montoya	Young, N. Dak.
Gore	Moss	Young, Ohio
Gravel	Mundt	

NOT VOTING—6

Allott	Goldwater	McGee
Dominick	McClellan	Talmadge

So Mr. THURMOND's Executive Understanding No. 5 was rejected.

EXECUTIVE UNDERSTANDING NO. 4

Mr. ERVIN. Mr. President, I call up Executive Understanding No. 4 and ask that it be stated.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The understanding will be stated.

The assistant legislative clerk read as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the understanding that the United States does not obligate itself by this treaty to use its Armed Forces to defend any nonnuclear weapon State or any member of the United Nations against any acts or threats of aggression even if such acts or threats are accompanied by the use or threatened use of nuclear weapons and that this treaty does not affect in any way any obligation assumed by the United States under any other treaty or the Charter of the United Nations".

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I think it is important to state what this treaty does not do. It does not deny to the United States, or to the United Kingdom, or to the Soviet Union the right to manufacture without limit nuclear weapons. It does not deny to the United States, or to the United Kingdom, or to the Soviet Union the right to use nuclear weapons at any time on any nation on earth. It does not provide, as far as the treaty is concerned, for any inspection in respect to nuclear activities in Russia or in Great Britain. As far as the United States is concerned, it does not provide for any inspection of any kind, although both President Johnson and President Nixon have promised that we will submit to any inspection that nonnuclear nations submit to under the treaty.

If the Soviet Union had been anxious to make a real treaty to safeguard the peoples of this world, it would have joined the United States and the United Kingdom in an agreement that none of the nuclear nations which are parties to

this treaty would use their nuclear weapons except in defense of themselves or their allies.

So, Mr. President, this treaty has been oversold to the American people. It leaves Russia just as free as it ever was, to do what it pleases. But if it is carried out, it makes certain that the United States and Great Britain are the only two signatories to the treaty that might tempt Russia to use nuclear weapons in offensive warfare.

Furthermore, France and China—and I refer to mainland China—have both stated they will not join in this treaty. They are two nuclear nations which are exempt from any of the limitations in the treaty. Therefore, to say that this treaty is a great thing for the world is magnifying its importance and the security it affords out of all proportion to the truth.

This treaty does give the United States, the United Kingdom, and Russia the assurance, so far as it can give by words, that all other nations will be without the power to acquire nuclear defenses. So if Russia should be so minded it would only concentrate its attention on the United States, the United Kingdom, or Red China. It would not have to bother about the other nations of the world.

I submit that the objective of this treaty is good. But I am reminded of the fact that after he had attended conferences in Potsdam and observed other negotiations with Russia, James F. Byrnes, one of America's great statesmen, wrote a book called "Frankly Speaking," in which he said that for some strange reason those who negotiate treaties for the United States think they have made a success if they get an agreement with other nations regardless of what the agreement may provide or fail to provide.

Mr. President, this treaty is not a complete treaty because a treaty of this nature is virtually without value unless it has some safeguards. This treaty does not have a single safeguard of any kind. As a matter of fact, article III of the treaty makes it plain that all of the signatories to the treaty recognize that it has no safeguards. It provides the safeguards are to be accepted by the non-nuclear-weapon states, parties to the treaty, and that the agreement is "to be negotiated with the International Atomic Energy Agency in accordance with the statute of the International Atomic Energy Agency and the agency's safeguards system." There may never be any safeguards in this treaty.

Mr. President, if you are going to see that this treaty is being observed, you are going to have to have inspection. Russia announced it is never going to submit to inspection. Of course, Russia is being given, as is the United States, a preferred position in not being subject to inspection. But there are no safeguards in this treaty and there are going to be no safeguards as a result of this treaty unless the nonnuclear nations make such safeguards by agreements in the future.

Why those who negotiated this treaty did not have those safeguards negotiated first and spelled out in the treaty is beyond comprehension. We may never

have safeguards. We have nothing to rely on except the naked promises of other nations. If history teaches any lesson it teaches that when one has to rely upon the naked promises of nations, reliance is upon a broken reed.

Now the treaty provides, in effect, in the same article III, that the United States will be bound by any agreements these other nations may make with respect to safeguards.

Now the Constitution of the United States says in effect that any agreement of importance between the United States and another nation must be in the form of a treaty, that it does not become binding unless ratified by two-thirds of the Senate. Yet here, article III of the treaty delegates to other nations the power to make agreements in the future for establishment of alleged safeguards which will be binding upon the United States, notwithstanding the fact that we do not know what the unwritten, unnegotiated, and unspoken agreements provide.

I invite attention to the fact that the treaty places an obligation upon the United States in that the last sentence of section 2, article IV states:

Parties to the treaty in a position to do so shall also cooperate in contributing alone or together with other states or international organizations to the further development of the application of nuclear energy for peaceful purposes, especially in the territories of non-nuclear weapon states party to the treaty, with due consideration for the needs of the developing areas of the world.

If those words mean anything, and they certainly do mean something, they mean that the United States obligates itself to furnish the benefits of nuclear energy to all the nonnuclear nations on earth which join or adhere to this treaty. In other words, it is a way for Uncle Sam and the taxpayers of the United States to assume other worldwide agreements to supply nuclear energy to all the nonnuclear states which agree to the treaty.

I invite the attention of the Senate to the statement made by Secretary of State Rusk about what the treaty prohibits:

It also prohibits transfer of other nuclear explosive devices, because nuclear explosive devices intended for peaceful purposes can be used as a weapon or can be easily adapted to such use.

This does not necessarily prevent the spread of nuclear weapons. In fact, it may result in the spread of nuclear weapons. Article V has something to say on that subject.

Mr. President, I ask unanimous consent to have article V printed in the Record at this point.

There being no objection, article V was ordered to be printed in the Record, as follows:

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low

as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

Mr. ERVIN. Mr. President, under article V each party to the treaty undertakes to take appropriate measures to insure that the benefits of explosives or nuclear explosions are made available to non-nuclear-weapon states party to the treaty on a nondiscriminatory basis.

In other words, we undertake that nuclear explosions—that is, the results of nuclear explosives which can be easily converted into atomic weapons—be made available on a nondiscriminatory basis to all the nonnuclear states which ratify the treaty.

Thus, as Secretary of State Rusk stated, we obligate ourselves to make available through agreements to be ratified in the future—which is another indication of the fact that the treaty is not complete—nuclear explosions to all the nations ratifying the treaty.

Mr. President, I ask unanimous consent to have printed in the Record United Nations Security Council Resolution 255, which appears on pages 6 and 7 of the message from the President of the United States transmitting this treaty to the Senate.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

UNITED NATIONS SECURITY COUNCIL RESOLUTION 255—1968

(Adopted by the Security Council at its 1433d meeting on 19 June 1968)

The Security Council,

Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. Welcomes the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon

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on State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

Mr. ERVIN. Mr. President, I also ask unanimous consent to have printed in the RECORD the declaration of the Government of the United States of America, answering the United Nations Security Council Resolution 255, which appears on pages 7 and 8 of the message of the President of the United States transmitting the treaty to the Senate.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

DECLARATION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

(Made in the United Nations Security Council in explanation of its vote for Security Council Resolution 255 (1968))

The Government of the United States notes with appreciation the desire expressed by a large number of States to subscribe to the treaty on the non-proliferation of nuclear weapons.

We welcome the willingness of these States to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

The United States also notes the concern of certain of these States that, in conjunction with their adherence to the treaty on the non-proliferation of nuclear weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States.

Bearing these considerations in mind, the United States declares the following:

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are permanent members of the United Nations Security Council would have to act immediately throughout the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking "... effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace * * *". Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

The United States affirms its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the treaty on the non-proliferation of nuclear weapons that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

The United States reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

The United States vote for the resolution before us and this statement of the way in which the United States intends to act in accordance with the Charter of the United Nations are based upon the fact that the resolution is supported by other permanent members of the Security Council which are nuclear-weapon States and are also proposing to sign the treaty on the non-proliferation of nuclear weapons, and that these States have made similar statements as to the way in which they intend to act in accordance with the Charter.

Mr. ERVIN. Mr. President, I am not going to read these documents at length. I did that the other day. But I promised to read the resolution asking for a promise that the states would support immediate assistance in accordance with the Charter of the United Nations.

The only state party to the treaty or a member of the United Nations which is a victim of nuclear attack or the threat of nuclear attack that has cause for assistance—immediate assistance—and the United States, in effect, states in this declaration that it is the duty of the nuclear nations which are parties to the treaty to furnish such immediate assistance. And it adds—and I invite the attention to the Senate to this:

Therefore, any State—

This is in the declaration of the United States—

which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that those actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

Mr. President, if that means anything, it means that the United States in this action in the United Nations was attempting to pledge our assistance to these states. Of course, our distinguished friend from Arkansas (Mr. FULBRIGHT) now tells us all that the United States was doing was just saying, "We will take the matter before the United Nations and they can debate the question until the last lingering echo of Gabriel's horn trembles into ultimate silence, without doing anything."

Any party to this treaty which is a nuclear state can end anything by a mere veto under the Charter of the United Nations, and some of the things done through the United Nations are done by the exercise of force unless there is a veto.

I challenge any man not a Philadelphia lawyer to read this declaration of the United States and not come to the conclusion that the United States has obligated itself to go to war if necessary, as an example, if Red China were a part of this treaty and dropped a bomb on Russia, then we would have to go to the aid of Russia against Red China, or vice versa.

I do not say that a Philadelphia lawyer would so construe it, but anyone who reads this statement would come to the conclusion that it pledges immediate

help. Manifestly, there cannot be any help immediately against a nuclear attack, or the threat of a nuclear attack, except through the use of nuclear weapons. The United States, in its declaration on this, in substance, has said that it is the duty of the nuclear states parties to this treaty to act immediately through the Security Council to take measures necessary to counter such aggression or to remove the threat of aggression. The only measures which do that are measures which involve the use of nuclear weapons by those states.

The pending understanding does not affect the substance of the treaty, but it merely states an understanding similar, in part, to the reservation which I offered previously. That is, it provides as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation that the United States does not obligate itself by this treaty to use its armed forces to defend and nonnuclear-weapon State or any member of the United Nations against any acts or of aggression even if such acts or threats are accompanied by the use or threatened use of nuclear weapons".

That was what was in my other reservation. I have added these words to satisfy the argument of the distinguished Senator from Arkansas, chairman of the Foreign Relations Committee:

And that this treaty does not affect in any way any obligation assumed by the United States under any other treaty or the Charter of the United Nations.

The understanding would make it clear that this treaty, in and of itself, does not obligate the United States to use its Armed Forces in defense of any other country, and does not add any new obligation to us in that respect, and does not affect any obligation which we may heretofore have assumed in respect to our NATO treaties or under the Charter of the United Nations.

It seems to me that every Member of the Senate would welcome an opportunity to go on record for this understanding. It is simple. It just shows that the United States is not assuming further military obligations. I think the American people are entitled to have that assurance.

I sincerely hope that the Senate will approve the understanding. It does not affect the substance of the treaty, but it does away with a lot of confusion that has been thrown around the treaty and which has obscured what the Senator from Arkansas declares is its real purpose.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The chairman of the Foreign Relations Committee has requested, in his absence—and he should be back here very shortly—that I deal with the understanding that the distinguished Senator from North Carolina has proposed to us.

Virtually the same proposal, with the exception of the last words—those words being "and that this treaty does not affect in any way any obligation assumed by the United States under any other treaty or the Charter of the United Nations"—was rejected by a vote of 61 to 30.

It seems to me that the key words which indicate the reason for the rejection

tion are the words "by this treaty," which appear on line 4 of the proposal by the Senator from North Carolina, because it is very clear, and the United States has made it very clear, and we have made it very clear in our report, that the treaty does not in any way include or deal with the question of the obligation of our forces. The only thing that can be argued in this regard is that a resolution adopted by the United Nations Security Council, together with its understanding of what that understanding means to the United States issued by the State Department, with the authority of the President, raises a question of whether or not the United States in any way obligated itself.

If the Senate adopted the understanding, it would import something into this treaty to which it has no reference in its text. So it seems to me, very basically and frontally, the understanding which the Senator from North Carolina proposes should be rejected because it would import something into the treaty which is not there in text or in fact and which the Foreign Relations Committee has very clearly enunciated as not being there so far as ratification of the treaty by the Senate is concerned.

Secondly, as to the merits, we know that every time one tries to refine something which is very clear and unequivocal on its face, he just gets tangled up in his own feet. With respect to the resolution of the Security Council, as well as in the U.S. statement with respect to it—even laying aside the constitutional question as to whether they could bind the United States; and there is no question about that; they could not; we have made that very clear in our report—but even laying that aside, there is nothing in either the Security Council resolution or in our statement with respect to it which obligates us.

The Senator from Arkansas (Mr. FULBRIGHT) argued that, quite properly and in great detail, and I would simply summarize his argument.

The fact is that the resolution of the United Nations, with all respect to the views of the Members of the Senate, must be read as to its actual text. The resolution relates to the fact that a situation would be created in the event of an attack or threat of attack with nuclear weapons, in which the permanent members would act immediately in the Security Council. It does not commit the United States or anybody else to the use of its military forces. They would have to act immediately in accordance with their obligations under the United Nations Charter.

Mr. President, I yield myself another 5 minutes.

Under the United Nations Charter, we have two strings to our bow which insulate us against a compulsion to further action. One, we can veto. We have never done that. Perhaps we never will, but we can do it. Two, even if we do not veto, we have the option whether or not to use our Armed Forces even if the Security Council passes a resolution for military sanctions.

So the United States has undertaken no commitment, as we see it, in the Se-

curity Council resolution—which, of course, is a separate matter from this treaty. The U.S. declaration in this regard says even less than the Security Council resolution. Our own interpretation says we affirm our intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, and so on.

Seeking is a very far cry from doing or committing or obligating. Indeed, our report makes very clear that all we have undertaken to do is to put this matter before the Security Council.

We can veto such action, or, even if it is taken, we can refrain from participating in it. These are our absolute rights under the United Nations Charter.

The Senate, it seems to me, has shown itself overwhelmingly in favor of ratifying this treaty. Everybody agrees we are going to ratify it.

If we are going to ratify it, what are we going to do, hang a stone around its neck so no one else will ratify it, and it will never come into effect? If so, we had better reject it. If we are to ratify it, we had better make it as reasonably attractive as possible without incurring obligations where none now exist.

I should like to say one further word as to the activities of the Senator from North Carolina (Mr. ERVIN) in this matter. I do not think that by now—and I have read this record pretty carefully—there can be any question that there is riveted into the whole legislative position of the United States the very basic proposition that we reserve the most complete freedom of action, except for the fact that we will immediately consider what our own reaction will be, and we will immediately seek Security Council action. Nothing else.

It seems to me that is the very minimum that could be asked. That is all which, even in honor, we commit ourselves to; and therefore, to adopt this understanding, having turned down one practically like it by a vote of 2 to 1, would only be another way of saying that we are going to ratify the treaty, but we are going to discourage the other 40 nations from entering into it.

I do not think we wish to do that, and, therefore, speaking for the committee with Senator FULBRIGHT's permission, I hope the Senate will reject this understanding.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, I yield myself 1 minute, and then I shall be happy to yield back the remainder of my time.

I hope this time to get a direct vote upon this issue. This is an understanding; the other was a reservation. It was tabled, and there was no vote on the merits. I want the Senate to vote on the merits in this matter, and say whether it is willing to tell the American people that this is not obligating them in any way to go to the aid, with military assistance, of any or all the nations on earth, in case any other nation drops an atom bomb on them or undertakes to make an attack with nuclear weapons.

I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the understanding (Executive Understanding No. 4) of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

The Senator from Texas (Mr. TOWER) is detained on official business, and if present and voting would vote "yea."

The result was announced—yeas 25, nays 69, as follows:

[No. 22 Ex.]
YEAS—25

Allen	Ervin	Miller
Bible	Fannin	Montoya
Byrd, Va.	Griffin	Murphy
Byrd, W. Va.	Gurney	Russell
Cannon	Hansen	Stennis
Curtis	Holland	Thurmond
Dodd	Hollings	Williams, Del.
Dole	Jordan, N.C.	
Eastland	Long	

NAYS—69

Alken	Gravel	Nelson
Allott	Harris	Packwood
Anderson	Hart	Pastore
Baker	Hartke	Pearson
Bayh	Hatfield	Pell
Beilmon	Hruska	Percy
Bennett	Hughes	Proty
Boggs	Inouye	Proxmire
Brooke	Jackson	Randolph
Burdick	Javits	Ribicoff
Case	Jordan, Idaho	Saxbe
Church	Kennedy	Schweiker
Cook	Magnuson	Scott
Cooper	Mansfield	Smith
Cotton	Mathias	Sparkman
Cranston	McCarthy	Spong
Dirksen	McGovern	Stevens
Eagleton	McIntyre	Symington
Ellender	Metcalf	Tydings
Fong	Mondale	Williams, N.J.
Fulbright	Moss	Yarborough
Goodell	Mundt	Young, N. Dak.
Gore	Muskie	Young, Ohio

NOT VOTING—6

Dominick	McClellan	Talmadge
Goldwater	McGee	Tower

So Mr. ERVIN's Executive Understanding No. 4 was rejected.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The question now recurs on the adoption of the resolution of ratification.

Mr. MILLER addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. DIRKSEN. Mr. President, we are trying to contrive a time limit, and I thought that perhaps an hour on each side would be sufficient. I am trying to ascertain who desires time on the treaty. The distinguished Senator from Massachusetts has only three pages. The Senator from South Dakota will require perhaps 30 minutes.

Mr. MILLER. I require approximately 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MILLER. I yield to the majority leader.

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UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I should like to inquire whether any Senators on this side of the aisle intend to speak on the treaty itself. I understand that there will be about one hour and 15 minutes on the other side.

Hearing no replies, I make the unanimous-consent request, which has been considered by the joint leadership, that 2 hours be allowed on the treaty, the time to be under the control, equally, of the majority and minority leaders.

The PRESIDING OFFICER. The request is for 2 hours on the resolution of ratification, the time to be divided equally. Is there objection?

Mr. MUNDT. Mr. President, reserving the right to object, I was unable to hear the request.

Mr. MANSFIELD. Two hours, the time to be under the control of the joint leadership; and if more time is needed, it will be forthcoming.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The time is now under the control of the majority leader and the minority leader.

Mr. MILLER. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Massachusetts for 5 minutes, with the understanding that I do not lose my right to the floor.

Mr. DIRKSEN. The Senator from Iowa does not have time as yet. The time is controlled.

I yield 15 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I had reached an understanding with the Senator from Massachusetts that I would yield to him for approximately 5 minutes after we contrived the time arrangements.

I ask the indulgence of the Senator from Illinois to extend 5 minutes to the Senator from Massachusetts.

Mr. DIRKSEN. Why, indeed. I yield 20 minutes to the Senator from Iowa, and he can yield as much time as he wishes.

Mr. MILLER. I appreciate the wonderful gesture of my colleague, the Senator from Illinois, and I yield 5 minutes to the Senator from Massachusetts.

Mr. BROOKE. I thank the minority leader and the Senator from Iowa.

Mr. President, for many days this body has been engaged in extensive and often enlightening debate on a treaty to prevent the spread of nuclear weapons.

All Americans can take great pride in the fact that this historic and constructive document is at last about to enter into force. It was the Government of the United States which proposed this treaty to the Geneva Disarmament Conference in 1964. Together with many other nations, we have worked long and hard, through a multitude of drafts and revisions, to devise a treaty which will truly be in the interests of the peoples of the world.

There were many claims and interests to be met in drafting this document.

Nuclear states needed to be protected in their right to continue research and

development on weapons deemed essential to their national security. Fortunately, and purposely, the treaty is silent on this question.

Nonnuclear states which are closely allied with one or another of the nuclear powers required assurances that their own defense needs would not be sacrificed. Here, too, the treaty is silent, its only requirement being that control of nuclear weapons cannot be transferred to an ally, but must remain in the hands of one of the existing nuclear states.

And, finally, nonnuclear states which are neutral in their orientation to be great powers looked for some assurance that their signature on the treaty would not place them at a permanent disadvantage in their relations with nuclear neighbors or with neighbors who might, for one reason or another, refuse to become parties to the agreement. In some respects there have been the most magnanimous states, for no absolute assurances of their security can be given beyond a reiteration of the general principles of regional agreements and collective defense.

Mr. President, in surveying these three classes of states, I submit that it is the nonnuclear states which are making the greatest sacrifice in the interests of international peace. It is the nonnuclear powers, many of which are new states with uncertain boundaries and unresolved irredentist issues, which are most likely to become involved in international conflict. In some areas of the world, most notably the Middle East and Asia, these issues have already led to international conflict.

Given this situation, it is important to bear in mind that nothing in the present treaty obligates any of the nuclear powers to come to the defense of an invaded state.

Eighty-four nonnuclear nations, many of them in presently troubled areas, have already signed this treaty. They are taking a great gamble in the hope that this treaty will be ratified, and observed, by the vast majority of the governments and peoples of the world. They are willing to trust their neighbors—who often are their enemies as well—and to believe that they share a common interest in preventing the spread of nuclear armaments.

Mr. President, we have already seen what can happen when new cycles of the arms race are begun. When the Soviet Union acquired a nuclear capability, our own program was vastly accelerated. When Soviet weapons were deployed in Central Europe, France devoted resources it could ill afford to develop an independent nuclear capability. When Communist China detonated a nuclear explosion, the Soviet Union began to deploy a limited antimissile system, and the United States initiated an extended debate—which is still far from resolved—on the question of deploying a costly and complicated antimissile system of our own.

Each stage in the arms race has led to a vastly expanded and infinitely more costly level of technological development. No nation—not even the United States or the Soviet Union, and certainly not the developing states of the world—

can afford to devote increasing billions of dollars to a costly arms race of questionable utility.

On the grounds of economy, on grounds of national security, on grounds of political wisdom, this treaty is a singular accomplishment. As General Wheeler testified before the Armed Services Committee, this treaty in no way detracts from needed American military options, nor does it add to our country's military burdens. Indeed, I think the only fair judgment is that it greatly reduces the likely dimensions of our military problems in the years ahead. Furthermore, and most important, I believe this treaty is a necessary prelude to other attempts at developing stable arms control arrangements between the nuclear powers. If it serves its purposes of inhibiting the spread of nuclear weapons, the intense concentration of energies on strictly strategic and military efforts can gradually be shifted to diplomatic exploration of alternative concerted diplomacy approaches to safeguarding the peace of the world. In short, this is another building block in the structure of peace to which every human being should be dedicated.

Ratification of this treaty can be a vital step toward applying the brakes to the arms race. It will stand as a vote of confidence—in ourselves, our allies, the neutral nations, and yes, even our enemies. As riders together on the spaceship earth, we share a common interest in keeping all hands off the lever marked self-destruct. Let us set the example to the world, and proudly uphold it. Let us commit ourselves to the limited provisions of this treaty, let us encourage others to do likewise, and let us get on with the job of building together a better world for all.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MILLER. I yield, but may I yield on the Senator's time?

Mr. FULBRIGHT. Yes, indeed.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, first I want to say to the Senator that I think he made a very fine statement. But I wish to add one thought that I think might not be as clear as it should be, and that is the obligations of the major nations.

It is true that the smaller nonnuclear weapons countries are giving up the important right to acquire nuclear weapons. But if article VI is taken seriously, then there is also a very serious obligation for the major countries, especially this country and Russia. I hope that as the President and the administration consider the question of whether or not to deploy an ABM system, they will give attention to article VI.

If we vote for the treaty today, as I anticipate we will, it should be interpreted as a specific endorsement of article VI because of all the attention focused on article VI during the debate and during the hearings by the committee.

I think the Senator has made a good point.

There is one other thought I wish to inject. I gather that there has been some

comment that I and others think there is no obligation under this treaty to come to the assistance of smaller countries. Of course, these obligations already exist under our treaty arrangement and under the United Nations Charter.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield to the Senator from New York.

Mr. JAVITS. We may have quite unwittingly gone a little farther than many of us expected in regard to this matter of "no obligation."

Will the committee now, after all the debate, stand by what it said in its report and we do this only in fairness to the nonnuclear powers that are parties to the treaty—that first, we will undertake, to bring a situation promptly, to the attention of the Security Council.

Mr. FULBRIGHT. Yes.

Mr. JAVITS. And second, we will do our utmost to get action by the Security Council. That action may be negative but those two things we do; and we would not have those two obligations.

Mr. FULBRIGHT. Yes, plus article VI. It is possible that during the course of the debate the point may have been overstated. I think the Senator has given better balance to the issue.

Mr. BROOKE. I thank the Senator. I concur in the interpretation of article VI and I share the expressions and hopes that it will be followed.

Mr. MILLER. Mr. President, I shall vote for ratification of the Nonproliferation Treaty.

After carefully reading the record of hearings before the Senate Foreign Relations Committee and the Senate Committee on Armed Services, listening to key points of the debate, and consulting other sources of information available to me, I have concluded that there is no danger to our national security interest entailed by ratification.

The Joint Chiefs of Staff and the Secretary of Defense are unanimous on this point.

First. The treaty's ratification would, in no way, inhibit or prohibit continuation of vigorous research and development activities by our country on nuclear weapons required for our national security—nor the deployment of such weapons.

Second. The treaty does not prohibit the transfer of nuclear weapons to the territorial jurisdiction of our allies as long as they remain under our control. Thus there is no difference from what is presently the law under the Atomic Energy Act.

Third. If the Western European countries should join together to form a federation, the nuclear weapons of Great Britain or France would be inherited by the federation.

Fourth. We can always withdraw from the treaty if it is deemed in our supreme national interest to do so.

It will be recalled that I voted against ratification of the Consular Treaty with the Soviet Union because, as I pointed out, the timing was terrible—considering the fact that the Soviet Union was furnishing North Vietnam with weapons

which were killing American and allied troops in South Vietnam. I would vote against the Consular Treaty today for the same reason. But the Consular Treaty is a bilateral treaty with the Soviet Union; whereas the Nonproliferation Treaty is multilateral and involves most of the nations of the world. Accordingly, my reason for voting against the Consular Treaty is not applicable to this one.

There are two somewhat troublesome considerations which deserve comment. First is the Security Council—of the United Nations—resolution of June 19, 1968, and the explanation by the U.S. representative of the vote cast by the United States for the resolution. The resolution recites:

Any state which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

The explanation of the vote by our representative states:

The United States also notes the concern of certain of these states that, in conjunction with their adherence to the Treaty on the Non-proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all states. . . . aggression with nuclear weapons, or the threat of such aggression against a non-nuclear-weapons state would create a qualitatively new situation in which the nuclear-weapon states which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter which calls for taking "effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace." Therefore, any state which commits aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter.

The report of the Senate Foreign Relations Committee, which is a most important item of evidence of legislative intent underlying ratification of the Nonproliferation Treaty, makes it clear that our United Nations representative may well have exceeded his authority. And to underscore this fact, the report states unequivocally:

The committee, therefore, records its firm conclusion, reached after extensive testimony, that the Security Council resolution and security guarantee declaration made by the United States in no way either ratify prior national commitments or create new commitments.

Were this not the case, I would have to vote against ratification, and I trust that hereafter our representative in the United Nations will not engage in voting or explanation which might result in misinterpretation or false impression on the part of other members of the United Nations.

The second troublesome consideration has been occasioned by what the Chair-

man of the Joint Chiefs of Staff described as the "gratuitous" offer made by President Johnson, and subsequently echoed by President Nixon, that the United States will permit the International Atomic Energy Agency to apply its safeguards covering nonnuclear states to all nuclear activities in the United States, exclusive of those activities with direct security significance. The Soviet Union has made no such offer and shows no disposition to do so.

We are told that the reason for the gratuitous offer was to persuade non-nuclear states to ratify the treaty, because they would be reassured that their agreement under the treaty to permit the IAEA to apply its safeguards—through appropriate inspection procedures yet to be negotiated—to assure that nuclear energy made available to them for peaceful uses is not diverted to nuclear weapons or nuclear explosive devices—would be reassured that we would not obtain an unfair commercial advantage over them unrelated to the basic purpose of the treaty. Great Britain has also made a similar gratuitous commitment.

Whatever the reason—and it appears that the reason in this case is meritorious—the fact remains that no President can commit the United States to inspection procedures within our country under the jurisdiction of an international organization such as the IAEA—much less to procedures which have not yet been negotiated with a nonnuclear state. This can only be done by ratification of the specific procedures, which would be in the nature of a treaty by the U.S. Senate.

It is interesting to note that assurance was given, during the hearings, that if we did not like the idea of having a Russian moving into one of our peaceful-uses facilities, we could prevent a Russian from being on the team of inspectors. Moreover, the Senate Foreign Relations Committee report says on this point:

The committee notes but does not comment or pass on the constitutional appropriateness of announcements by both former President Johnson and President Nixon that the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, exclusive of those activities with direct security significance.

From the standpoint of the United States, it appears that there are three benefits from the treaty:

First. It is in the interest of our security that there not be a proliferation of nuclear weapons to any other countries than now already possess them. Unfortunately, the unwillingness of Red China and France to sign and ratify the treaty seriously undercuts this benefit.

Second. Signatories to the treaty, including the Soviet Union, undertake to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. It is good to have the Soviet Union on record on this point, and while agreement from such negotiations is clearly a long way off, the "good faith" requirement of such

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negotiations can serve to place Soviet intransigence, if it continues, in proper perspective among the family of nations.

Third, Through the inspection procedures to be developed by the IAEA, United States and Soviet Union inspectors will eventually be working side by side in nonnuclear states in a common endeavor which, hopefully, may eventually persuade the Soviet Union to agree, with us, to inspection and control safeguards within her own territory which must accompany any effective agreement for nuclear arms control. In the long run, this could be the most important benefit of the treaty—not only to the United States but to the goal of a more orderly and peaceful world.

For these reasons and in view of the considerations I have discussed, a favorable vote for ratification is indicated.

Mr. SAXBE. Mr. President, I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, in his inaugural address, President Nixon challenged this Nation to take as its goal "where peace is unknown, make it welcome; where peace is fragile, make it strong; where peace is temporary, make it permanent." The single question before this body is whether ratification of the Nuclear Nonproliferation Treaty will strengthen the structure of peace.

All thoughtful men seek peace, but we may differ on how it is to be achieved. Some of my colleagues feel ratification is not a proper step. I respect their decision and recognize their true concern for our Nation and the cause of world peace. It is my determination, however, to vote for ratification of the treaty as a step toward curbing the spread of nuclear weapons which does not jeopardize our national security.

Debate on this treaty has been highly significant because it has demonstrated to the world, friend and foe alike, the universal belief in peace, and the deep respect for freedom and self-determination of all peoples, held by the Members of the U.S. Senate.

The main provisions of this treaty can be summarized as follows: The treaty would, first, prohibit nuclear-weapon states from transferring to any recipient nuclear weapons or other nuclear explosive devices or control over them; second, prohibit nuclear-weapon states from helping non-nuclear-weapon nations to develop their own nuclear weapons or other nuclear explosive devices; third, prohibit non-nuclear-weapon states from receiving nuclear weapons, other nuclear explosive devices, or from manufacturing their own; fourth, provide for effective safeguards on the peaceful nuclear activities of non-nuclear weapon states to assure that no nuclear materials are diverted to nuclear weapons; fifth, encourage cooperation between nuclear and non-nuclear-weapon nations to insure that all will benefit from the peaceful uses of nuclear energy; and, sixth, affirm the responsibility of the nuclear-weapon states to strive for effective measures to end the nuclear arms race and promote disarmament.

The treaty will enter into force only on the deposit of instruments of ratification by the United States, the United Kingdom, the Soviet Union, and 44 other signatory states. Any party to the treaty can withdraw from the treaty after giving 3 months' notice if it decides that the "supreme interests of its country" are jeopardized.

The treaty deals only with what is prohibited, not with what is permitted. It does not prohibit transfer of nuclear delivery vehicles or delivery systems, or control over them. It does not prohibit allied consultations and planning on nuclear defense. It does not prohibit arrangements for deployment of nuclear weapons among allies as long as control is not transferred. It does not bar succession by a new federated state in Europe to the nuclear status of one of its former member nations.

Careful consideration has been given to possible effects on the North Atlantic Treaty Organization. Secretary Rogers, Secretary Laird, and General Wheeler all agreed that the treaty is consistent with the best interests of NATO. The United States worked closely with its allies in the formulation of the treaty and our allies have been fully assured that the treaty would in no way jeopardize the NATO alliance, or prevent allied consultations on nuclear matters.

In addition, the Joint Chiefs of Staff set forth certain considerations essential to the national security interests of the United States and our allies:

The treaty does not operate to the disadvantage of the United States and our allies.

The treaty does not disrupt any existing defense alliances in which the United States is pledged to assist in protecting the political independence and territorial integrity of other nations.

The treaty does not prohibit deployment of U.S. owned and controlled nuclear weapons within the territory of our nonnuclear NATO allies.

The treaty does not prohibit the United States from using nuclear weapons in any situation wherein nonuse of nuclear weapons would be inconsistent with U.S. security interests.

The treaty does not involve automatic commitment of U.S. military forces.

We must also recognize that the treaty will not influence or deter Red China and France from continuing to develop their own independent nuclear capabilities; neither nation is expected to sign the treaty.

The treaty may lead to broader disarmament negotiations between the United States and the Soviet Union, but does not require them. If such negotiations are begun, it will be many years before any significant achievement on halting the arms race can be expected; the cold war may have passed, but the reasons for distrust among nations are diverse, and the conflicts in the world are many.

Yet the risks of the world conflict if the proliferation of nuclear weapons is not halted are infinite.

The report to the White House Conference on International Cooperation submitted by Dr. Jerome Wiesner's Com-

mittee on Arms Control and Disarmament pointed up the dangers:

The spread of nuclear weapons threatens to bring about a painful, expensive, and dangerous reorganization of international relations. It threatens to add new dimensions to the very fears that encourage it: new concerns in the struggle for Arab-Israeli understandings; new barriers to a permanent easing of Indian-Pakistani tensions; and new setbacks to improved relations between Western and Eastern Europe. It threatens established political relationships between countries and within them; dissension over the hard decisions it entails in government already torn by dissension; realignments associated with shifting power in nonaligned areas; and, for those in the major-power alliances, the premature assertion of an unreal independence based on nuclear status alone. There are, in these problems, the seeds of a hundred crises.

We should not promise ourselves peace tomorrow because the road to peace is long and hard. But, as President Nixon said, "we are entering an era of negotiation," and a first step away from confrontation is necessary.

Mr. President, when President Nixon sent to the Senate his message requesting the advice and consent of the Senate to the ratification of the Nuclear Nonproliferation Treaty, he acknowledged that he opposed ratification of the treaty last fall in the immediate aftermath of the Soviet invasion of Czechoslovakia. He also carefully pointed out that his present request in no sense alters his condemnation of that vicious Soviet action.

Similarly, I opposed the ratification of the treaty in the aftermath of the invasion of Czechoslovakia. On the floor of the Senate I called for a reexamination of the national concept of defense and I called for an immediate review and strengthening of the NATO defense alliance.

Since that time several significant events have occurred which have renewed my confidence in our foreign policy and in the strength and vigor of the NATO alliance. I am convinced that the United States and its allies are approaching the Nuclear Nonproliferation Treaty with their eyes open and with paramount concern for the security and strength of our mutual defense alliance.

The most significant of these events was the election of Richard Nixon as President of the United States. President Nixon's election heralds a new era of hardheaded, realistic leadership in our foreign policy. His approach was spelled out in a major speech during the campaign:

So we begin with the proposition that if we are to have peace we must negotiate. If we are to negotiate, we must negotiate from strength. If we are to have strength, we must restore the strength of the United States and also we must restore the strength of the Western alliance.

The President desires peace and international cooperation with all nations, including the Soviet Union, but he enters the era of negotiation with no delusions. His analysis of the Nonproliferation Treaty reflects this new approach.

The former administration, on the other hand, lacked this same sense of reality. President Johnson, in his message to the Congress on July 9, 1968, was

concerned with elusive "good will." His message of transmittal stated that the treaty's "very achievement, as well as its provisions, enhances the prospect of progress toward disarmament."

This statement rests on the mistaken theory of detente. My greatest concern over the past several years has been that the national security of the United States was being sacrificed for the policy of convergence. This policy assumed that as Russia developed and prospered, its interests would converge with those of the Western democracies, and that detente would follow.

The brutal subjugation of the Czechoslovak people forced second thoughts on even the most ardent disciples of the theory of Soviet melioration.

President Nixon, proceeding soundly, places his emphasis on our own national security. In his public statements, he has shown a grasp of the complexities of foreign relations and an ability to deal with them.

The President has returned from a highly successful visit with our NATO allies. He acted with judgment and his actions inspired confidence.

It is confidence in this leadership that strengthens my decision to favor ratification of the Nuclear Nonproliferation Treaty. We know precisely what we are asking for and precisely what we are getting. There are no fond, but ill-advised, hopes spurring the Nixon administration's support of this treaty.

The second significant event that I have witnessed is the rejuvenation of the NATO alliance. Both the North Atlantic Council and the North Atlantic Assembly met in November in Brussels to review the weaknesses of NATO and to consider means of strengthening the Alliance.

As a member of the U.S. delegation to the Atlantic Assembly, I felt in its November 1968 sessions in Brussels the new spirit that had been generated into NATO. The Assembly and the Council adopted a number of resolutions demonstrating a renewed determination to maintain a strong military deterrent in Europe and a willingness to accept a more equitable sharing of the costs of a strengthened NATO force.

Gen. Lyman Lemnitzer, Supreme Allied Commander, Europe, summarized for the Atlantic Assembly the proper stance for NATO:

There is not a military man who has personally experienced the horror and shock of war who would not welcome a true detente in Europe—that is, a climate of freedom, of stability, of security, and of confidence that would lead to the peaceful and equitable solution of the political problems of Europe. But a necessary precondition to such a true detente is the maintenance by the North Atlantic Alliance of an adequate and suitable military posture.

The renewed resolve and cooperation expressed at the North Atlantic Council and Atlantic Assembly meetings can be carried forward into actions which will strengthen our NATO defenses. Such actions can dispel any doubts the Soviets may have that the members of NATO do not fully intend to defend their alliance with credible capabilities.

Mr. President, the leadership of the President of the United States, his deter-

mination to deal only from a position of strength, and the revitalized strength of the NATO alliance allow us to choose a period of negotiation rather than a period of confrontation.

We know, as we negotiate with the Soviet Union and other Communist nations that a treaty can be broken easily and that treaties often are broken by the Russians.

In his testimony to the Foreign Relations Committee last year, Dr. Robert Strausz-Hupe, director of Foreign Policy Research Institute explained:

International agreement does not mean to totalitarian governments what it means to a Democratic people. An arms control agreement has never meant and does not mean to a militant Communist, steeped in the dialectic of Communism what it means to a Democratic statesman, steeped in the doctrine of international cooperation. There is no mystery as to why the Soviet negotiators proved relatively pliable as regards the treaty's provisions for control: an open and Democratic society controls itself, and a free press can be relied upon to ferret out and to denounce any treaty violations by the national government. A totalitarian government need not worry about the disclosure of violations by its own well-muzzled citizens.

There are three reasons why the unreliability of the Soviet Union does not compel me to oppose ratification.

First, the treaty involves many more nations than Russia. There are 87 signatories including the United Kingdom, Canada, Denmark, the Netherlands, Belgium, Sweden, Czechoslovakia, Poland, Republic of China, Iran, Iraq, the Philippines, and the Republic of Korea. The United Kingdom is a nuclear power and others could become nuclear powers. The stability of world peace may be significantly affected by ratification of the treaty by many nations.

Second, there is a provision similar to the one contained in the Test Ban Treaty that allows the United States to withdraw from the treaty upon 3 months' notice.

Third, the treaty does not prohibit or prevent the United States from defending ourselves and our allies with nuclear weapons in any situation where our security interests are deemed by us to require such use.

If the treaty were dependent upon the good faith of the Russians, I would oppose it. But I am persuaded the safeguards are such that it does not depend on trusting the Russians.

Mr. President, there may be risks involved in ratifying this treaty. However, with the growing number of nations that have, and can soon have, nuclear power, there are risks involved in refusing to ratify. I have balanced them carefully in my mind. I have examined the endorsements of this treaty by President Nixon, the Secretary of State, the Secretary of Defense, and the Joint Chiefs of Staff.

If this treaty can limit the spread of nuclear weapons, it will accomplish a great deal of good. Just as I decided to support the Nuclear Test Ban Treaty in 1963, Mr. President, and for many of the same reasons, I have decided the correct position is to support ratification of the Nuclear Nonproliferation Treaty.

Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I ask unanimous consent to suggest the absence of a quorum, with the time to be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield 20 minutes to the Senator from South Dakota (Mr. MUNDT).

Mr. MUNDT. Mr. President, I want to say a few words about the treaty before it comes up for a vote, primarily because, as is well known, I was one of the five members of the Foreign Relations Committee who wrote and supported the minority views when we had this treaty before us last summer. Those who have read the report are aware of the fact that our opposition at that time did not run particularly to the contents of the treaty. It did not involve what we thought would be any deleterious effects flowing from the treaty, but the opposition related itself primarily to the question of timing and to the unsolved and unanswered questions which we had presented to the State Department and to the Pentagon and to which no satisfactory or definitive answers had been provided to the committee. So we opposed ratification of the treaty at that time and suggested consideration of the treaty be delayed until this year. Thus it is now before us for action.

Since I expect to vote for the treaty today, I want to discuss the treaty as I see it and try to put it in the perspective and in the framework of the world situation as I see it.

First of all, the world conditions prevailing at this time are not the same as those which caused us to flash a bronze light suggesting prudence and patience and postponement at that time. At that time Russian armies were moving with their tanks through the peaceful lanes and highways of Czechoslovakia. The papers and the airwaves were filled with rumors and reports that the Russians were also going to move with similar naked force into Rumania and perhaps Yugoslavia.

We thought at that time—and I think our conclusions and deductions then were correct—that it would be very bad international policy indeed for us to close our eyes to those intolerant acts and those imperialistic moves and go ahead and sign a treaty of which Russia was a part just as though she were behaving as a civilized neighbor should act toward a neighbor or another country in this day and age.

While Czechoslovakia is still in the throes of Russian control, happily the major Russian armies have pulled out, and we hear no current reports indicating that Russia again expects to defy world opinion by moving in with might and muscle and take away the sovereignty of Rumania or Yugoslavia.

In fact, quite the reverse is true. Yugoslavia certainly has been making sounds lately which indicate perhaps an in-

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creased independence toward Russia; and if not that, certainly an increased willingness to criticize the overt imperialistic acts of Russia.

Having said that, let me say that, in my opinion, the nonproliferation treaty is neither as good as its friends proclaim it to be, nor as bad as its opponents or critics describe it. In my opinion, it is an inadequate and disappointing document, and I say that as one who is going to vote for its ratification. But I consider it inadequate and disappointing and one which, I am afraid, has been oversold to the public as accomplishing a great deal more than it possibly can.

I consider it to be in those categories for these reasons: In the first place, it does not reduce or curtail or modify one iota the capacity of nuclear powers to attempt to destroy each other. This is a treaty which says to nuclear powers, "You can have the nuclear armament which you have. You can expand it. You can increase it. You can develop it. But countries which do not have nuclear capacity at this time are not going to be able to obtain it in terms of military weapons."

I think we should have an understanding by the public generally, that this is what the treaty provides. It is not a treaty to end nuclear war. It is not a treaty which safeguards us from the possibility of a nuclear attack. It is not a treaty which even decreases the stockpiles, or the capacity to stockpile weapons, on the part of countries that presently have them.

The second reason I think it is an inadequate and disappointing document in terms of meeting the real challenge of our day and the real need of civilization is the fact that it does not prevent the United States, the U.S.S.R., or Great Britain from accelerating their nuclear armament programs, magnifying them, expanding them, and making them move forward at any rate of increase they might desire. It does not even call upon any of the nuclear powers to stop where they are. It simply says, to those countries that do not have them, "You cannot get them."

Third, I think it fails to meet the problems of our day because it does not commit any nuclear power to total or even partial or gradual nuclear disarmament. It accepts the status quo, and proceeds from there.

So I think what the public has in mind, and what it should have in mind, and what we all ought to be thinking about, is the goal which should be sought by every good citizen in every land on this earth, and that is total and permanent nuclear disarmaments of both offensive and defensive weapons, with neutral and international inspection of an unchallenged and unchallengeable nature.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MUNDT. In a moment.

That, to me, is the goal we should be approaching; and this treaty, if it moves at all in that direction, moves an inch when the world requires a mile of forward motion.

I am happy to yield to my chairman.

Mr. FULBRIGHT. Mr. President, I am inclined to agree with a great deal of

what the Senator is presently saying about the world's needs, and so forth.

But will he not also agree that the spirit of article VI, while it is not mandatory and does not require an agreement to adopt such a course, requires that members make a good faith effort to move toward what the Senator says we ought to be moving toward?

Mr. MUNDT. Yes.

Mr. FULBRIGHT. It is the most effective expression of its kind, at least in recent history, between these two nations.

Mr. MUNDT. That is correct; and, of course, it is not limited to the two nations but all the nuclear nations.

Mr. FULBRIGHT. Yes, the nuclear nations.

Mr. MUNDT. It suggests that they should start negotiations leading toward this goal which I have been talking about.

Mr. FULBRIGHT. That is right.

Mr. MUNDT. The difficulty is that it is not mandatory—it is an expression of hope and aspiration—and does not change the status quo materially from what both countries should be thinking about now, which is the need for negotiation.

Mr. FULBRIGHT. I agree with the Senator, but it is a statement which, under the circumstances of the world as we know it, while I grant it is a small step, is a very significant one, provided that the signatories are sincere about what they are undertaking, or unless they are completely cynical about it.

Mr. MUNDT. That is correct. The Senator is anticipating what I intend to say when I get around to saying why I shall vote for the treaty, despite my disappointment.

It seems to have been produced during a period of world history when there was beginning to be a meeting of the minds, but it may actually have delayed a good while longer the achievement of a great deal more. It seems to me most unfortunate that, in negotiating the treaty, we did not hold out for a better deal and a wider understanding among the nuclear nations of the world at this time, when they were sitting around at least agreeing on some of the factors which are involved in the treaty.

Additionally, the language of the treaty, in my opinion, is unfortunately and unnecessarily obtuse and ambiguous on a number of important points. I think students of history, and even present day commentators and analysts of the legislation, would enjoy reading the majority report which was issued last August, as well as the minority report, because, as we who authored the minority report then said, "We advocate delaying this treaty, and if you do not want to accept the arguments of the five of us writing the minority views, read the majority report, because it damns the treaty with faint praise." It raised more objections, if possible, than we raised in the minority report. It called attention to a whole series of unanswered questions.

I suggest, Mr. President, that the time has come, in the treaty-writing business of this country, when we ought to state it as it is, clearly and concisely, with

meaning, definitiveness, and decisiveness, and not in the obtuse and ambiguous language with which this treaty is unfortunately replete. That is another criticism I have of the treaty.

Despite these disappointments, and despite my feeling that this is a highly inadequate and disappointing document, I shall vote for its ratification today, for the following reasons:

First, I think to reject it now, after we have had the opportunity to study all its details, after we have had a chance to explore with the Pentagon and the State Department and the White House the answers to the unanswered questions raised by the ambiguity of the language, and with the world in a somewhat better condition than it was last August, when the Russians were invading with their troops and their tanks the innocent little country of Czechoslovakia, would be interpreted rather widely around the globe as indicating that our country lacks concern about the dangers of proliferation of nuclear weapons.

I think any sane individual has to recognize that nuclear weapon proliferation is dangerous. It ought to be stopped. Stopping it does not give much security to the world. Stopping it does very little to avert the danger of a nuclear holocaust between the great powers which now have weapons. But it ought to be stopped, because every time you add some nuclear fighting capacity to another country, you add another danger: that here is another country where some intemperate ruler, some irresponsible leader, someone in a fit of rage, might push a button somewhere and start launching the few bombs he has; and once the air is filled with missiles carrying destruction to humanity across the oceans, no one knows then how to stop it, and everybody might get involved.

So I would hate, by my vote, to indicate that I am not concerned about the problem of proliferation. In the tiny, comparatively insignificant area of making it less likely that countries which do not now have bombs are going to get them, and that it can bring about a slowdown of proliferation, I want to cast my vote on the side of the faint hope that this treaty may, in some way, decrease the likelihood of proliferation. It certainly will not increase it. Any impact it has will surely be on the side of the angels. It has to be on the side of decreasing the likelihood of proliferation, and that is an important plus.

Second, not only do I think it is important to world peace and to the survival of humanity to prevent proliferation, but I believe that this treaty does have some significance toward achieving that goal; because, while it does not in any way inhibit the nuclear powers from expanding their military aspects, it does provide a set of circumstances and rules of procedure whereby nonnuclear powers obtaining fissionable material for peaceful purposes have to subject themselves to a great many prohibitions, inhibitions, and inspections not now in force. So it has some practical application in that regard.

The third reason I support it, Mr. President, is that while regrettably it imposes no inhibitions of any kind on the

great powers or the nuclear powers, and does not in any way, shape, or form subject them to inspection from beyond their own state boundaries, this treaty does for the first time recognize a very significant principle. That principle is that international inspection is an imperative device for assuring compliance with prohibitions in the terms of the use of fissionable material.

This validates in a treaty proclamation the feeling of the world that we do not have any security in terms of what is to be done with atomic weapons or fissionable materials without a mutuality of complete and continuing inspection. This writes it in the book that, while the great nuclear powers are not ready to accept such inspection for themselves, as far as the rest of the world is concerned, we believe in the open skies doctrine of Dwight Eisenhower and the concentration of international inspection which was advocated by Bernard Baruch and in the realism which says that only insane diplomats would rely upon the pledges of others when the question of national survival is involved. We have to have security and mutuality of inspection and protection against nuclear attack. That is unchallengeable.

It is recognized that if a nonnuclear power accepts fissionable material under the terms of the treaty from any nuclear powers, they subject themselves to international inspection.

I think it is important to have laid out in the mosaic of history this international recognition that without inspection any attempt at restriction or curtailment or reduction of atomic striking power is a hoax and a sham and a dangerous venture in the area of national suicide.

I want to support that concept by my vote.

Fourth, finally this treaty does set the stage, as was brought out in my recent colloquy with the chairman of the committee, the distinguished Senator (Mr. FULBRIGHT). This does set the stage for meaningful negotiations and for significant steps which can and should be urged upon the U.S.S.R. by the United States for the purpose of providing complete nuclear disarmament, permanent in nature, thoroughly inspectable.

This treaty now sets the stage, and we can say to the Russians and to the British and to the other nuclear powers, "Are you willing to provide those peace-preserving prohibitions for yourselves that we insist upon imposing upon others? Are you serious about trying to free the world from the threat and the specter of an international conflict with nuclear weapons? Are you willing now to face up to the fact that these weapons are far too destructive to be stockpiled in any area of the world or to be built up offensively and defensively? Are you willing, with us, to reduce the whole business permanently and to demilitarize our respective countries in a nuclear capacity and totally disarm and then provide for the inspection of devices and routines and the giving of evidence to prove that no one can cheat? Everyone will have to faithfully fulfill this."

That is the goal of humanity. And this, I think, now sets the stage for that.

I hope the United States of America will now approach the U.S.S.R. and say, "We have signed this document. We wrote in our committee report that we think it would be a great historic event if our State Department and our President exercise the patience, which I hope they will, not to complete finally the actions of ratification until it can be done at some central point with the British and the Russians by our side, depositing the articles of ratification.

I think this is another way of testing them. This is another way to see whether we have set the stage for some fruitful drama or are going simply to set the stage so that nothing will happen.

I seriously commend to Secretary Rogers and President Nixon that they read carefully that paragraph of our committee report which was unanimously adopted, which suggests that we delay the final act of ratification until it can be done simultaneously and contemporaneously and at the same point, with a blare of trumpets and some expression of good will to act, with the British and the Russians by our side in a historic event of great significance.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SAXBE. Mr. President, I yield an additional 10 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for an additional 10 minutes.

Mr. MUNDT. Mr. President, I think we ought to learn something from experience in this country. The last time I talked about a treaty on this floor, it was the consular treaty. It happened to be my responsibility to lead the opposition to that treaty. We failed to stop it by only three votes. We were told then, "It is important that we do this now. The Russians are getting ready to beat us to the draw."

All of this time has passed, and the Russians still have not ratified it. It still has not become operative.

Once again, we knuckled under, but we are now in the position of saying to the other side, "Why don't you follow our example and join the British and the United States in a joint meeting to finalize our acts of ratification?"

I think it is wise. I think it will be productive with the Russians and will show our concern about the proliferation of nuclear weapons if this time we do not rush in gayly and without any serious thought, and say, "We have it all ratified. We have completed action here and hope that some day other people will do the same."

It will be on the President's desk. The final act of ratification is the filing of the documents of ratification. This, and I think wisely, the committee suggested should be done simultaneously among the three great nuclear powers. With that evolved, I think we will have set the stage even better for the kind of talks which we should have.

Whether that will be done or not, I do not know. I have learned to my dismay in 30 years that congressional advice is not too often heeded at the other end of the avenue, no matter from whom it comes. They usually pay far too little at-

tention to our colloquy here or to our reports from the Foreign Relations Committee.

I hope that at least they follow up on this action, supplementing this highly inadequate treaty and disappointing document by suggesting to the Russians, "We would like to sit down with you and talk about total nuclear disarmament with inspections with no attempt to deceive or fool anybody."

I hope that this is done while there is still time so that if Russia and the United States can agree to do away with their nuclear armaments, we can find a way to stop the Red Chinese from getting theirs ready for deployment come the middle 1970's, which is now the target date when they expect to have enough weapons to bomb the daylight out of either Russia or the United States or perhaps both simultaneously, if they have enough bombs.

Since the Red Chinese are not going to sit down and negotiate and since they are now carrying on a hate war against the world, I am convinced that if Russia and the United States could stop that development from occurring, as between ourselves and the British and other nuclear powers, we will be able to work out an agreement, a total agreement toward disarmament and through inspection in the area of superdestructive weapons.

Mr. President, on balance, I think there is more to gain than there is to lose by voting for this treaty in terms of our American prestige, in terms of the security of the world, in terms of trying to work toward some meaningful document of disarmament in the months ahead.

I express one other hope. I hope that President Nixon will start the sort of new policy in this country of ours whereby the State Department discontinues bringing before us treaties which are shabbily written, and that are inadequate to achieve the fundamental purpose which it is so important to obtain.

Treaty ratification is a serious business. We have difficulty writing amendments. We have difficulty accepting reservations. Some amendments and reservations were offered, and properly so to this treaty and some of them were very significant. But we run into the argument always, "You might as well vote against the treaty, because you have to renegotiate and get the countries together again. If you are going to have to put something in, vote the treaty down and start over."

I think treaty writers should at least use as much circumspection and care and meticulousity in writing the words of a treaty as a committee of the Senate or the House would utilize in drawing up a bill. I guarantee that a bill of Congress were couched in the lax language of this treaty it would be amended over and over again before it were voted upon by the Senate or the House, because we want our legislation to be concise and purposeful and not subject to various interpretations or some ambiguous presentation whereby everybody is the judge of what is contained.

I would simply like to say to the State Department and the President—because more treaties will be coming before us—next time, let us get a treaty written

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which is concise enough and clear enough so that we do not need a great body of documentation to try to interpret it and then, when we get through, have almost as many interpretations as interpreters.

Let us limit treaty-making to important subjects and the solution of significant problems, and then let us adjust the treaty to the target, instead of missing it completely as this one misses the grave challenge to humanity presented by the fact that these nuclear weapons are continuing to expand in the countries which already have them and the dangers continue to exist. Nothing here is done which is going to reduce those tensions or decrease those armaments or bring about a solution to the problem unless, happily, the parties do get together for a joint act of ratification in a tremendously significant historic event after which, hopefully, both Russia and Great Britain are ready to take that final step toward development of a safe and sure system of mutual nuclear disarmament with complete and continuing inspection of each other.

Even though this fails to lead to something more significant, I would say to my colleagues that I think it is better to vote for this treaty, under all the circumstances now, than to vote against it. It at least may give us one more chance to come together and to come up with something much more meaningful.

I do hope, however, that the next time we have a treaty before us, it will be a better job of treaty writing than certainly we had in the Consular Treaty and surely in this one, with language so obtuse in certain areas that even after two sets of Senate hearings and two sets of administrative interpreters, no one can be precisely sure as to what is meant by some of the passages which have been prepared for the treaty.

I yield the floor.

The PRESIDING OFFICER (Mr. GRIFFIN in the chair). Who yields time?

Mr. BYRD of Virginia. Mr. President, will the Senator yield me 5 minutes?

Mr. KENNEDY. I yield 5 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I find myself in substantial agreement with the distinguished Senator from South Dakota. I shall cast my vote for ratification. The treaty does not appear harmful to our own national interests, and it could prove helpful in preventing the spread of nuclear weapons.

Mr. President, the threat posed by the possibility of more nations—some under irresponsible leadership—obtaining nuclear warmaking devices is so grave that every reasonable precaution should be taken. The one concern that many Senators have had in connection with this treaty involves the declaration made by a representative of the United States at the United Nations on June 19, 1968. I believe that matter was fully covered yesterday, in debate which took place on the floor of the Senate and which appears on pages S2709, S2710, and S2711 of the RECORD of Wednesday, March 12.

However, before the final vote is taken today in regard to ratification of this treaty, I wish to read into the RECORD one paragraph from the report of the

Committee on Foreign Relations. That paragraph is on page 14 and is as follows:

The committee wishes to make it unmistakably clear that it considers the Security Council resolution and the U.S. declaration as separate and distinct from the Nonproliferation Treaty. This resolution and the accompanying declaration, are solely executive measures.

I continue quoting from the committee report:

However, because these actions are linked politically to the treaty, the connection could convey the impression that approval of the treaty by the Senate also means approval of the Security Council resolution. For this reason, the committee wishes to make the record clear that support of the Nonproliferation Treaty is in no way to be construed as approval of the security guarantee measures embodied in the United Nations resolution or the supporting U.S. declaration.

So I believe it is perfectly clear to all Members of the Senate that the declaration made in the Security Council on June 19, 1968, is in no way binding on the U.S. Senate, is in no way binding on Congress, and has nothing to do with the ratification of the treaty now under consideration.

Mr. President, as I stated at the beginning of my remarks, I shall vote for ratification. I am hopeful, however, that the people will not be lulled into a false sense of security. We must remain militarily alert, and this treaty should be recognized for what it is—only a hopeful first step in preventing the spread of nuclear weapons.

I yield the floor.

Mr. MURPHY addressed the Chair.

Mr. KENNEDY. Mr. President, I yield 25 minutes to the Senator from California.

Mr. MURPHY. I thank the distinguished minority whip. I doubt that I will require that much time. I should like to make some remarks with regard to the treaty now under consideration.

Mr. President, I wish I could rise in this Chamber today with full enthusiasm and honest excitement to urge with full confidence the signing of the so-called Nonproliferation Treaty. I have listened to the debate, attended hearings of the Committee on Armed Services, and read all reports I could find on the matter.

I yield to no man in my desire to obtain a reasonable and trustworthy control of the spread of nuclear weapons and in the hope, finally, for the cessation of the costly and dangerous arms race; and it is my devout wish that we can reach the ultimate attainment of a lasting peace and an end to all the seemingly needless and costly wars.

However, Mr. President, in our great desire and our great hope to reach these objectives—and I share them with my colleagues—I am not sure that the treaty before us will achieve these things or that it will even constitute a first step. "First step" is an expression we have heard in this Chamber quite often lately—"hope" and "first step." I hear constantly the term "first step" and "good example" and "show of good faith."

I have listened to these phrases before. Last year in connection with the Consular Treaty we were told how important

it was and what great advantages would accrue to the United States. We were told what a great forward step this would be. The Soviet Government has not even signed the Consular Treaty to this date, to my knowledge.

Before that, it was the Test Ban Treaty. The Test Ban Treaty was to achieve a halt. It was to achieve a first important step toward peace. Then, we find that even during the discussion of that treaty, the Soviet Union, a signatory, had taken an advantage, and actually the United States, according to witnesses who came before us, has been handicapped in tests which might improve our military capability, because of the Test Ban Treaty.

Mr. President, in other words, I am saying we did not gain anything; on the contrary, we lost.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. KENNEDY. Mr. President, with reference to the point the Senator made with respect to the Consular Treaty, it is my understanding that the Senate acted on March 16, 1967, and the Soviet Union acted on April 26, 1968.

Mr. MURPHY. That had not come to my attention. I thank the Senator for correcting my statement. I had no knowledge of it.

Mr. President, I ask that the statement of the Senator from Massachusetts be added so that the RECORD will be correct. It would not be my wish or intent to use any facts that were not completely accurate.

Before the Test Ban Treaty there was the Peace Treaty in connection with Korea. I trust I am correct in this statement and if I am not, I hope the Senator from Massachusetts will correct me. We still do not have a peace treaty that has been signed in connection with Korea after these many years.

Then, we go back to Potsdam, Tehran and Yalta; we go back to the beginning, to the original agreements whereby the great Government of the United States of America first recognized the Soviet Union. As I recall, the basic agreements that were entered into, both of these treaties to which I have referred, have disappeared into the dust of history without any of them having been fulfilled by the U.S.S.R.

It seems to me that we in America are always trying to prove that we wish to be a friendly and peaceful nation, and that we want to live in a happy peaceful way with our neighbors and help other nations achieve health, education, and the productivity we enjoy in this great country. There is no evidence that I know of to the contrary. History is long and our record is there for all to see.

It also occurs to me that the more we try, the more we are lied about, vilified, and accused of being the "imperialist nation," "the aggressor," the "enemy of peace." We are called the aggressor in Vietnam.

Would it not be wonderful if the Soviets suddenly decided to make a "first step" and stopped supplying arms in Vietnam; or a "second step" in calling off their expansionist policy in the Middle East;

or a third step by stopping the infiltration of Communist-trained and led trouble-makers all over the world, even possibly on our college campuses? Would this not be wonderful?

With this show of faith there would be no ends to which this Senator would not go to promote peace and understanding. And I could vote for this treaty with a hopeful heart.

This, however, is not the case.

I have therefore, come to the conclusion that maybe from now on we must be coldly objective, factual, practical, in our dealings with other nations, particularly the U.S.S.R., and that we should assess the actual benefits of all treaties and agreements on the basis of "how do they benefit and safeguard the future security of the United States of America?"

It is in this frame of mind that I finally must decide my vote on this treaty today.

I can find no actual benefit to the United States within the treaty. I have been told the treaty really does nothing, binds nothing, creates no new conditions with regard to nuclear weapons that do not now already exist.

I find there are no actual positive safeguards written into the treaty. The organization, which will be charged with the duty of policing the treaty seems to me to be completely inadequate.

It is certain that at least two nuclear powers which presently have the capability of making atomic weapons will not sign the treaty—China and France. They have said so.

Other nations such as Israel, West Germany, Japan, which could achieve the capability of building nuclear weapons would have to depend on either the United States or U.S.S.R. for protection from nuclear attack—a condition which might not be desired—and, therefore, it might be necessary in their own self-interest, or for their own protection, to create their own capability—and thereby destroy or weaken the alleged purpose of the treaty.

There is no certain method of inspection written into the treaty to guarantee compliance by the signatories—Dr. Teller, in whom I have great confidence, is concerned about whether or not this inspection could be certain—even if and when it is agreed upon.

The U.S.S.R. states plainly that under no circumstances will she permit inspection within her borders. On the other hand the former President of the United States said he would not only permit inspection, but would invite foreign teams to view any or all of our nuclear activity and expertise, excepting only what shall be classed as military.

If any of our industries using nuclear devices demurred, it has been suggested that they could be forced by the Government to comply—or be cut off the bidding lists for Federal contracts. This is a type of coercion which I have always objected to and will object to as long as I can stand and be heard.

We seem to have promised to come to the protection of the signatories in the event they are attacked by nuclear weapons.

Let us explore this matter for a moment. If China, which has the capability

and has a weapon, should attack Russia with nuclear weapons, would we be committed to enter into a nuclear war on the side of Russia? Or if the Chinese should give weapons to Cuba, what would our position be under the treaty? If Russia, who has been arming the Arab States should suddenly decide to give nuclear weapons to the Arabs, and they were used, would we not be expected to come immediately to the protection of the State of Israel?

In short, if any nuclear power used nuclear weapons to attack any signatory nation, would we not be expected to come to their immediate defense?

Mr. President, the chairman of the Foreign Relations Committee, for whom I have the greatest respect, says that this is not so. However, the record shows that the former President of the United States, the former Secretary of State, and the former Ambassador to the United Nations say that it is so.

On whom am I to rely?

How do the signatory nations understand these conditions and the apparent changes which I have heard recited during the past few days?

What does this treaty do to the NATO nations?

Does it not weaken their protective potential?

Does it not cut down the potential of all our friendly nations, while it permits the only nation, which has stated that it will bury us, to proceed unimpeded in its announced plan for world domination?

What would be the psychological effect upon our friends in Europe if they suddenly found that they may not have any hope, at least for 25 years, of having any nuclear weapons with which to protect themselves, and that the promise of protection to be supplied by the United States of America is uncertain, as has been stated on the floor of the Senate?

Mr. President, is this not the time to deal in an honest, straightforward manner from our position of full strength, rather than to wait until a later time, when our strength may have been impaired and weakened?

Is it not better to deal now than to bind ourselves and our friends—possibly forever—and lose whatever bargaining advantage we now may have, or what advantage we may not have already lost in our frenzied pursuit of peace?

And here, let me pray that I will not be misunderstood. To me, the pursuit of peace is the highest goal, the highest quest with which we could concern ourselves; but, in our anxiety, we must not lose sight of the facts. We must not lose sight of the conditions as they exist today.

I have been told that the signing of this treaty would be of great help to President Nixon in the coming talks with world leaders. I have been told that to oppose the treaty might weaken his position abroad and might tend to undermine the confidence which he has built up at home and abroad as a result of his recent trip.

Mr. President, I do not believe that to be the case. First, let me say that I would do nothing to diminish his power and progress in any way. On the contrary,

there is nothing that I would not do to help his quest for peace. Were I to be convinced that the signing of this treaty would help, I would not be taking the precious time of the Senate today to explain the reasons for reaching my conclusions.

Mr. President, I sincerely hope that I am not being too critical of the content, or rather the lack of content, in this treaty. However, I cannot eliminate from my mind the memories of our continued efforts of the past—sincere efforts, efforts on many occasions that, I thought, went clearly beyond the bounds of propriety, and I believe they were honest efforts.

I believe that this treaty, and what it may effect, has been oversold. I believe that our people may be expecting too much, that we may have created the impression that if the Senate ratifies the treaty, many future worries, if not all such worries, concerning a possible nuclear war will disappear. This, I assure you, Mr. President, is not the case. There are no such provisions in this treaty.

I believe that we have seen too often, recently, the unfortunate and dangerous results which follow raising false hopes of progress toward admittedly noble goals.

Of course, as I have said, like every other Member of this body, I am completely in favor of peace. I am in favor of disarmament, when—but only when—it is safe for this Nation and the other nations of the world who depend upon us for their protection.

Unfortunately, the facts are, as I see them, that the principal safeguard of peace in the world since World War II has been the military strength plus the integrity of the United States of America. This has been the only certain, effective bulwark against imposition of the Communist ideology upon the world.

Mr. President, this is not a pleasant situation. It is not a situation to be desired. But it is a fact.

I believe that the time has come when our Nation and its representatives must face the facts in a realistic manner. We must assess the facts as they actually exist. We must stop dealing in theory. We must stop thinking in fantasies. We must get back to the true, hard facts of reality.

I wish that the treaty before us had full safeguards, references, and compliances for full inspection for the equal treatment of all nations and proper guarantees. I wish it were a treaty in the best interests of the United States of America, a treaty which would be binding, safe, permanent, and productive.

Unfortunately, I do not believe that these are the conditions which exist in the treaty.

Therefore, Mr. President, regrettably, I must cast my vote against adoption of the treaty.

I yield back the remainder of my time.

Mr. SAXBE. Mr. President, I yield 1 minute to the Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

March 13, 1969

Mr. ALLOTT. Mr. President, I appreciate very much my colleague from Ohio's yielding to me, as well as my colleague from Colorado, because basically what I wish to take the floor for at this time is to welcome my own distinguished colleague (Mr. DOMINICK) back to the floor of the Senate after a brief illness.

I am sure that everyone joins me in welcoming him back to the Senate. We are all happy to see him and are very glad that he will be back with us now for a long time to come.

Let me say to my colleague, it is good to see you back.

Mr. SAXBE. Mr. President, I yield 5 minutes to the Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. I should like to say to the Senator from Ohio that if there is enough time available, could he make that 8 minutes. I shall try to be brief.

Mr. KENNEDY. Mr. President, I will be glad to yield 3 additional minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Chair takes great pleasure in recognizing the junior Senator from Colorado (Mr. DOMINICK) for 8 minutes.

Mr. DOMINICK. Mr. President, I thank the Chair, the distinguished Senator from Massachusetts, the distinguished Senator from Ohio—and I particularly thank my colleague from Colorado (Mr. ALLOTT).

Mr. President, I came back today from the hospital feeling remarkably improved, although somewhat weaker than when I went in—as everyone is when they lie in bed too long.

I came back because I thought this particular treaty and its ratification was of such extraordinary significance in the country's history that I should, if possible, play a part in determining what would happen in its ratification.

As usual, so far as I know, the Senate has been asked to consider a treaty which was formulated by the executive branch and which we are now being asked to consent to.

We had not been asked, so far as I know, to advise to its terms originally.

It has been a long time in the history of this country since the Senate's role of advise and consent has given rise to the term "advice." We are simply being asked to consent.

The Nonproliferation Treaty, by its very significance and by its name, indicates to the public at large that if one votes against this kind of treaty, as my distinguished colleague from California has suggested, that person is in favor of irradiating the entire world and proliferating nuclear weapons in every country.

Nothing, of course, could be farther from the truth, but this is obviously the significance that many people are going to put on it.

During my enforced stay away from the Senate, I have had the opportunity of reading the hearing record before the Committee on Foreign Relations and reading the report that was issued by the very distinguished Armed Services Committee, on which I have the opportunity of serving—and I am glad to see the chairman (Mr. STENNIS) present in the Chamber—and I have also had the

opportunity of recently reading a committee print put out by the Committee on Government Operations in this year, 1969, called "The Soviet Approach to Negotiation."

I think in the consideration of this particular treaty we should take into consideration some of the comments that have been made in the process of those various documents. On page 64 of the latter, "The Soviet Approach to Negotiation," is a paragraph which I should like to quote, written by Arthur H. Dean, entitled "Soviet Diplomatic Style and Tactics." It was written in 1966. He was ambassador in the post-armistice negotiations in Korea; chairman of the U.S. delegation at the Disarmament and Nuclear Test Ban negotiations in Geneva in 1961 to 1963; and a former member of the U.S. delegation to the United Nations General Assembly.

The paragraph that I want to read now is, in my opinion, Mr. President, the key to the reason why we should not ratify this agreement. I quote:

Then there is the pitfall of the "agreement in principle," which was already a serious danger in wartime negotiations with the Soviets. Time and again—and certainly this is clear in the Soviet insistence on an agreement on disarmament first, with details of inspection and such matters to come later—Soviet negotiators will press for a general agreement, often on a principle, such as being for "peace," to which it is very difficult to object, and will charge bad faith when this is refused. They are aware of the impatience of their Western counterparts and seek to make agreements seem very close by stressing how easy it would be to record it in general terms. By pushing in this way, they hope for an agreement of such vagueness that they will be able to interpret it in their own way and act to their own advantage while professing to observe the agreement.

Mr. President, in July of last year, the President of the United States, President Johnson, signed an agreement with the Soviets on a Nonproliferation Treaty. Since then, according to a statement made by General Ira C. Eaker, retired, they have sent nuclear material to Cuba, along with 200 nuclear scientists, to teach the Cubans how to use it.

Mr. President, it is not easy for anyone to stand here and say that we are not in favor of a treaty called a Nonproliferation Treaty, but there have been some strong men who have testified before the Foreign Relations Committee. Dr. Edward Teller has already been referred to by my very distinguished colleague from California (Mr. MURPHY).

The PRESIDING OFFICER. The Chair regrets that the Senator's time has expired.

Mr. DOMINICK. Mr. President, I ask unanimous consent for 3 additional minutes.

Mr. SAXBE. Mr. President, I yield the Senator that time.

The PRESIDING OFFICER. The Senator from Colorado is yielded 3 additional minutes.

Mr. DOMINICK. On page 129 of the hearings on the treaty is a statement of Dr. Robert Strausz-Hupé, who said:

International measures for barring the spread of destructive nuclear devices should be a concern of every responsible government. I urge the U.S. Senate to withhold ratification from the present nuclear Nonprolifer-

ation Treaty, I do so because I have found that: First, the present treaty does not provide effective safeguards against the spread of nuclear weapons—

Generalities again, as Mr. Dean was talking about—

second, the present treaty, if ratified by the Senate, will have been concluded at a cost to U.S. national security far greater than the worth of any of its foreseeable benefits to the United States; third, the present treaty, if ratified by the Senate, will commit U.S. foreign policy further and, perhaps irrevocably, to a course which will alienate the allies of the United States, encourage Communist adventurism, and lead to the perilous isolation of the United States in world politics.

Mr. President, there are three reasons, then. We have an agreement in principle, which has not been set out in detail—which has been the problem with every agreement that we have ever reached with the Soviet Union.

Second, the nonnuclear nations who are our allies and who are in perilous trouble with the Soviets are not in favor of this treaty. I am talking about West Germany, France, Israel, India, Pakistan, and a lot of other countries which are in the middle of the problems that we see around the world at the present time.

If we should reach an agreement with the Soviet Union all by ourselves, on our own, we would be not only labeling ourselves allies, but we would be making these people believe that we are, from now on, going to work in a joint way with the Soviet Union, to the detriment of the other countries with the ability to defend themselves in some cases and with a need for doing so in many cases.

Certainly it seems to me it would downgrade our ability to work in NATO.

Mr. President, I am sorry to have taken so much time, but I think this matter is of such extraordinary importance in today's age that, despite the fact that I am sure I shall be accused of trying to proliferate nuclear weapons—which is the last thing in God's world that any person in this country should ever do—in my opinion, it is a treaty that should not be ratified by the U.S. Senate in its present form.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, the time to be charged equally—

Mr. PEARSON. Mr. President, will the Senator withhold that request?

Mr. KENNEDY. I withhold it.

Mr. PEARSON. Mr. President, will the Senator yield to me briefly?

Mr. KENNEDY. I yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, the Senate will soon be voting on the question of whether or not to ratify the proposed Nuclear Nonproliferation Treaty. The product of many years of patient negotiation, this pact is one of the most important foreign policy issues we will be asked to consider this year. As such, it deserves our closest scrutiny. Our duty to protect the interests of the American people demands that we study it with as much objectivity as is humanly possible to muster on a question as sensitive and emotion-laden as this.

The treaty is designed to do two things. First, to secure a pledge from the nuclear countries not to give nuclear weapons to the nonnuclear states; and second, to secure from these nonnuclear states a promise that they will not seek to develop or acquire nuclear weapons of their own.

In return, the nuclear nations are committed to give the nonnuclear countries the help they need to develop peaceful uses of atomic energy under appropriate international safeguards. The nuclear states are also pledged to begin early disarmament negotiations to still further reduce the risk of world holocaust.

After careful thought and examination, it is my opinion that the treaty merits our support. The United States began the negotiations on this treaty many, many years ago and it would be ironic for us to be the reason for their ultimate failure. Let us never forget that we bear a commitment to the international community to work toward a realistic step-by-step approach to the universal goal of gradual disarmament. To reject the treaty would thus be to reject a vital cornerstone of our own program.

Though the treaty is worth supporting, the question of its ratification is not as clearcut as it might appear at first glance. The simple fact is that while the treaty is another important step down the long road to world peace, it is nonetheless far from perfect.

Among the first factors which we should take into consideration is that while 87 nations have thus far signed the treaty, the vast majority have not ratified it. Many are waiting to see what we will do. It is no exaggeration then to say that the treaty's fate is in our hands, not only in terms of our own involvement, but also in terms of world support.

However, the fact that so many countries were at least willing to take the initial step of signing the treaty is in itself encouraging, for it indicates a willingness by a large portion of the world community to forego the prospect of owning nuclear weapons if such a step will contribute to world peace. By signing, these countries are agreeing that even though inspection procedures will not be required for the nuclear states, they will be applied to the nonnuclear countries, who, after all, comprise 84 of the treaty's 87 supporters. It is the acceptance of the inspection procedures outlined in the treaty by so many of these nations which represents such an important step forward toward universal arms control.

Mr. President, vital though this acceptance may be, it is also necessary to point out that most of the nonnuclear countries which have signed the treaty are uninterested in acquiring and are unable to produce nuclear weapons in the foreseeable future. Thus, by supporting the treaty, they are surrendering a theoretical right, albeit an important one, rather than a real prospect.

Following the five nuclear powers, two of whom, France and Red China, have not signed the treaty, the most important states affected by the treaty are the so-called "nuclear potentials" who clearly have the capacity to build nuclear weapons should they desire to do so. Of these countries, only Canada, Czechoslovakia,

Italy, and Sweden have signed the treaty. Thus, such significant nonnuclear states such as India, Israel, Japan, and West Germany have not given even tentative approval to the treaty. As a result, of course, it runs the risk of being less effective than it otherwise would be.

Mr. President, another major question which must be asked with regard to this historic proposal is whether or not it will act as a realistic brake on the desire of other countries to acquire nuclear weapons. There is little doubt that none of the nuclear powers are anxious at this time to encourage the spread of nuclear weapons. But what of the feeling on the part of the "have-nots" that the only way in which they might really be able to protect their security would be to retain the right to eventually obtain nuclear weapons of their own?

The basic problem is that the only truly effective way in which we could reassure these states would be to give them an iron-clad commitment to come to their defense should they be threatened or attacked with nuclear weapons. Such a commitment could be made either in concert with the Soviets or unilaterally. The former is highly unlikely and the latter, of course, is unacceptable to us. Our security commitments are extensive already.

Our leaders have made several policy statements indicating to the nonnuclear states that their security will be protected through appropriate measures in the Security Council of the United Nations, but naturally these remarks do not have the force of binding treaties. Thus, the problem is still with us and as long as this dilemma exists, the treaty is unlikely to receive the full-fledged support from all the "nuclear potentials" that would be ideal. The fact that world support for the treaty is not yet universal, is still no reason for us to refrain from adding our endorsement. Our support will help garner more and even if it did not, the list of the treaty's adherents is already quite impressive.

Because some of the current abstainers are allies, fears have been raised that the treaty might weaken the Western Alliance by creating dissension and mistrust between the United States and our friends. It is my opinion that these diplomatic risks, while real, are not nearly as great as some have supposed. The fact is that the overwhelming majority of our allies have given the treaty their support, albeit reluctantly. And even should this treaty not exist, they still know very well that we would unlikely to give them nuclear weapons. We have not done it yet, and there is no reason to suppose we would be in the future. It simply is not in our interest to do so. Thus, the treaty really does not affect our nuclear relations with our allies in the slightest. Should this situation change, however, the treaty allows us to withdraw our commitment upon 3 months' notice.

Mr. President, it has also been said that we should not ratify this treaty because it would risk our national security by having it rest on a pledge by the Soviets whose word is notoriously unreliable. This fear is unfounded. The treaty is no way restricts our ability to do whatever

we feel is necessary to strengthen our national defense. Though we are under an obligation to pursue disarmament talks in good faith, this too, is in our national interest. The fact of the matter is that we are not being asked to trust the Soviets beyond the point of mutually agreeing not to give nuclear weapons to countries which now do not have them. This is an agreement which we can easily make, for all it prohibits is something which neither of us are doing now and which is not in the interest of either of us to do in the future anyway.

Mr. President, hard as it may be to believe, some people are opposed to the treaty, not only because of their mistaken fear about the risk it poses to our national security, but also because they are not convinced that nuclear proliferation is necessarily against our interests. Pointing to the need to further diffuse the balance of power in the world and by so doing to stabilize a number of areas which are now in ferment, these critics urge that proliferation be considered as a potentially positive rather than a negative force. Because most of the countries which might soon "go nuclear" lie outside the Communist bloc, they also argue that if proliferation were allowed to continue unchecked the ultimate advantage would lie with the West.

Mr. President, I completely disagree with this viewpoint. I find it incredible, really, for such a line of reasoning is based on two clearly false assumptions; first, that nuclear spread would stop with just a few countries when the pressures would all be mounting to force more and more proliferation; and second, that all political leaders will remain rational. But how can they be so sure? How can they be convinced that every leader whose country might obtain nuclear weapons would indeed be rational? Would Hitler, for example, have refrained from using nuclear weapons if they were available? I doubt it.

The fact is that the uncontrollable spread of nuclear weapons represents a clear and present danger to the future safety and stability of the world. It is true that possession of nuclear weapons provides a deterrent against aggression. But who can say whether or not such a deterrent will always work even if the leaders involved are rational? It almost did not in the Cuban missile crisis. And in future confrontations, the leadership might not prove to be as skillful as that provided by President John F. Kennedy and his advisers during that tense period. But whether the leadership failed because it was irrational or unskillful, the result would still be the same—world holocaust.

Another danger of proliferation, irrespective of the leadership qualities of the men governing nuclear countries, is that simply by placing more fingers on the nuclear trigger the mathematical odds on either an accidental or a deliberate attack are greatly increased. And with regard to a deliberate attack, let me point out all nuclear weapons need not be mounted on the top of intercontinental ballistic missiles or carried in the bomb bays of jet aircraft. They can be dismantled and brought into a country in a variety of ways. And the more

countries that obtain them the more likely they are to use them, no matter how primitive the delivery system they have available. This danger is compounded by the fact that, because of the variety of means which an attacker can use to reach his target, it is entirely possible that a major power could be attacked and not be certain of the identity of his attacker. Obviously, such a danger is a threat not only to us, but to all the world, for it could trigger a massive nuclear exchange by the major powers.

Thus, the dangers of proliferation, only a few of which I have discussed, are many. But more importantly, they are real and immediate. Nuclear weapons are becoming easier and cheaper to build. Every year more countries acquire the ability to "go nuclear." Unless some incentive is provided—and provided soon—to halt this spread, it will inevitably occur, with all the potentially disastrous effects mentioned earlier. It might occur anyway. Given the flaws in the treaty, that is a real possibility. But our obligations to the American people and the cause of world peace demand we try to stop it.

Another factor which we must bear in mind is that one of our primary foreign policy goals is to help our less developed friends throughout the world create stable, progressive societies that can achieve continued economic growth. This type of economic development is both in their interest and in ours. Nuclear proliferation could interfere with this objective by siphoning off scarce resources within these countries from badly needed economic and social projects and applying them instead to programs of weapon development. As the current controversy in our own abundant land over the possible deployment of the Sentinel anti-ballistic-missile system so aptly illustrates, no country has the unlimited resources to develop both sophisticated weapons and achieve maximum social and economic progress simultaneously.

Mr. President, the treaty also offers the positive benefit of adding to the efforts of recent years to build an atmosphere of greater trust between ourselves and the Soviets. We are no longer dealing with a monolithic Communist bloc. It is badly splintered. Early last week, for example, the Soviets and the Red Chinese fought a pitched battle along their common border. It is in our interest to do anything we can to demonstrate to the Soviets the value of closer cooperation with the West as opposed to the increasingly bitter character of their relationship with the Red Chinese. The treaty might be of help in this regard.

Mr. President, the Nuclear Nonproliferation Treaty may not be the perfect instrument many of its vigorous proponents would have us believe. But then neither is it the threat to our security that some of its more outspoken opponents fear. On balance, it may not turn out to be much more than a grand gesture. But it could turn out to be much more, for while the treaty's effectiveness may be limited, there is always the chance that ratification might mean the difference between world peace and

nuclear war. That chance is well worth taking. As Theodore Roosevelt once said:

It is hard to fail, but it is worse never to have tried to succeed.

In this case a failure to try could be fatal to all mankind.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I wish to sum up my support of this treaty, and put it in focus, as I see it.

This is the first time that we have really made an effort to arrest the nuclear arms race. In business, as in government, before one can start on the road back, one has to stop. I deeply believe that we are going just about one-tenth of the way in the ratification of the treaty. This is a case of our ratification, and that of the Soviet Union and the United Kingdom. We still have to bring 40 nonnuclear nations into it. That is going to be a very big job. They must be inspired with a sense of confidence that it is worthwhile to go into it. In addition to the 40 countries, we have problems with nations like West Germany, Israel, and other nations that have special problems.

So what we do, when it is done, is not all done and finished. It is but the beginning of a very long road.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I have only 2 minutes, but I yield.

Mr. MURPHY. Is it not a fact that the attempt to stop the proliferation, to stop the spread of nuclear arms, actually started at the Geneva meeting, when President Eisenhower was present?

Mr. JAVITS. Of course it did.

Mr. MURPHY. And this is a continuation of that effort.

Mr. JAVITS. Of course.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. May I have 1 more minute?

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. JAVITS. This is but the consummation of the beginning; I completely accept the amendment of the Senator from California. This is the culmination of a phase that began with the efforts of President Eisenhower.

Second, one of the most critical things here, aside from the problems I have just mentioned of winning the world to this position, is article VI. In my judgment we will not actually get to a negotiation with the Soviet Union on offensive and defensive nuclear weapons unless this treaty is ratified. They have to have a base; they are political, too. They have got a country, and people who are their fellows in office, and who were not in office last year, or were before and may not be next year. They have a political problem, too.

This will give them a base for going forward in good faith with these negotiations. It is an auspicious moment, and I pay great tribute to the Senator from Arkansas (Mr. FULBRIGHT), who has piloted this measure through with unexampled skill.

I repeat, it is a great moment, but it will take the most creative efforts, on our part and on the part of our new President, if we are really going to make it mature into what it ought to be, a beginning of the rollback from what seemed to be an unstoppable arms race, which would end only with the mutual destruction of the world and all mankind.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes to respond to the Senator.

I appreciate particularly, of course, his gracious personal reference, and I wish to say that the Senator from New York has done a great deal of work, and very effective work, on this treaty, both on the floor and in the committee. I might as well say also that I think the staff, and, in particular, Bill Bader, has done a fine job in helping the committee to marshal the evidence for our hearings. The entire committee has done a very good job on the treaty.

I compliment the Senator from New York for what he has said. It puts the matter in perspective. It has been said on this floor that we have oversold this treaty. The members of the committee have not oversold it at all, nor has the Senator from New York. We all recognize it is no panacea. It is, just as the Senator has said so well, a beginning; and especially is article VI a beginning, because that article represents an obligation to negotiate. It is not mandatory. Unless both parties proceed to negotiate in good faith, it can easily be nullified.

This is, to me, the most significant obligation of all: In return for the pledge of small nations to refrain from accepting or developing nuclear weapons, which is very important, we commit the large nations to negotiate in good faith to stop the piling up of arms and the escalation of the arms race, and hopefully to begin the disarmament effort.

As the Senator has stated, this is a political matter. We will vote within the next few minutes on the treaty with its obligations under article VI. I cannot imagine that the President of the United States would announce within hours of the approval of this treaty that he has decided to deploy an antiballistic-missile system. While technically the treaty would not prevent such a decision, certainly the spirit of article VI is inconsistent with any substantial increase in our armaments in the nuclear field. This seems to me to be as clear as it can possibly be. So I think, in approving this treaty, we will have made a real contribution to a vital political decision.

Our President is a political animal, like all of us, who must run for office. This treaty will give him a political base to make the right decision on antiballistic missiles; so I think we will have accomplished a great deal in approving the treaty at the time we did.

Mr. JAVITS. Mr. President, will the Senator yield for one comment?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. I think we can really give the President a bipartisan base. Keeping in mind that this will be the first real arms negotiating situation in which only we and the Soviet Union are engaged—

only we have real or potential ABM capabilities—there is still time for negotiations. Overwhelming ratification of this treaty, with article VI will provide a solid bipartisan base for utilizing that time to the greatest effect.

Mr. FULBRIGHT. The Senator is quite right. This committee, with the great help of the subcommittee headed by the Senator from Tennessee (Mr. GORE), has, I think, given the President an ample base for reconsidering the deployment of the ABM system. The effort is strictly bipartisan. The Senator from New York, the Senator from Illinois, and the Senator from New Jersey have played just as great a part as any Democrat.

Mr. JAVITS. And I remind the Senator that today four new Senators had a press conference on the subject.

Mr. FULBRIGHT. And the four new Senators. The effort has been widely distributed. There is nothing partisan about it at all. It has been one of the most spontaneous movements, I would say, that I have witnessed in the Senate in a long time; and I think the same is true for the country.

So in that sense, I think it is very significant. But that is not overselling, when we call attention to the possibilities. This all remains to be done. To point out the possibilities is not saying we have accomplished the task. We are taking a significant step, which makes possible and I think more probable future steps, which will be in the interest of our security and in the interest of peace in the world generally.

So I am very pleased with the reaction of the Senate up to now to the offered reservations. As I have stated, many of the reservations were unobjectionable substantively, except that, as a matter of form and procedure, they should not be attached to an instrument of this kind, lest they cause some confusion abroad.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, we have come to the conclusion of this historic debate, and now the moment approaches when each of us, having weighed all the factors in the balance, must cast his vote for or against the Nonproliferation Treaty.

For me, the decision has not been an easy one. I share the desire of the majority of the Foreign Relations Committee to prevent or restrict the proliferation of nuclear weapons.

The treaty, as it is now drafted, has posed a dilemma for me because, while I believe in the principle and purpose to which the treaty itself is directed, I fear that the treaty suffers from serious weaknesses which will impair its ability to achieve its stated purpose.

I have sought to call these weaknesses to the attention of my colleagues and to suggest certain understandings which would help to overcome these weaknesses, at least in part.

My dilemma has been increased by the fact that the Senate has seen fit to reject all understandings, apparently in the theory that it is inadvisable to tamper in any way with the wording of the resolution of ratification.

Among other things, I pointed out that the inspection provisions of the treaty are ambiguous and grossly inadequate. And I am constrained to note that although I spelled out the weaknesses of the inspection provisions in great detail, not a single Senator took issue with my critique or sought to reassure me that the inspection provisions would turn out to be adequate.

I have the impression that even the most ardent defenders of the treaty agree with me on this score, even though they themselves may not have dealt with the matter in the course of the current debate.

I pointed out that there is ample reason for fearing that certain nations, having used the treaty to acquire a nuclear capability for themselves, may then proceed to develop clandestine facilities to produce nuclear weapons, and finally, at the appropriate moment, may contrive some excuse to invoke the 90-day withdrawal clause.

Because I wanted some expert opinions on certain implications of the Nonproliferation Treaty, I addressed a series of questions to three of the top nuclear experts in the country: Dr. Edward Teller, whose name is known to all of us; Dr. Harold Agnew, head of the Weapons Division of the Los Alamos Laboratories; and Dr. John Wheeler, recent president of the American Physical Society, co-author with Niels Bohr of the original paper on the mechanism of nuclear fission; and last year's recipient of the Fermi award for nuclear physics.

I ask unanimous consent at the conclusion of my remarks to insert the full text of the replies I received from the three scientists I have named.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. DODD. Dr. Teller, Dr. Wheeler and Dr. Agnew did not agree on all points. Indeed, it would have been nothing short of amazing if they did. But there is one point on which they seem to be generally agreed which I would like to call to the attention of my colleagues, because I do think it has a very direct bearing on the treaty.

Until I had received these replies, I had been under the impression, and I am sure that this impression was shared by 99.9 percent of informed laymen, that reactor-grade plutonium could not be used for weapons purposes without putting it through a complicated and fairly costly refining process. But from the three answers I have received, it is apparent that such a refining process is not essential.

For example, Dr. Agnew says in his reply to my first question:

Reactor-grade plutonium is superior to enriched uranium for many weapons applications. Consequently, if one has what you call "peaceful nuclear materials" which I infer to mean reactor grade plutonium, there is no need to convert to weapons grade plutonium in order to produce a nuclear explosion.

Dr. Teller in his own answer to the same question says that the distinction between peaceful and military materials "has been mistakenly overemphasized."

As for the problem of building a clandestine facility for refining weapons-grade materials, I call attention to Dr. Wheeler's statement that a number of countries will be able to find a simple and inexpensive way to convert peaceful nuclear materials into weapons-grade plutonium.

I hope that my colleagues will find the time to read the replies I have received from these three outstanding scientists.

The weaknesses to which I have pointed are not the fault of President Nixon. Indeed, I believe that the President himself and some of his key advisers are acutely aware of these weaknesses. But President Nixon inherited a treaty which either had to be approved as it was signed last July 1 or else had to be repudiated.

Under the circumstances, I believe that President Nixon took the only course open to him by accepting the treaty which he had inherited, with its virtues and its weaknesses, and asking for its ratification.

I believe that there is no one who understands better than President Nixon the need for reviving or seeking to keep open the so-called NATO or European option. And this is one of the reasons why I am led to support the treaty, despite its weaknesses.

I have done what I consider to be my duty in pointing to the weaknesses of the Nonproliferation Treaty and to the perils that may be generated by it.

With grave misgivings and many reservations I shall now cast my vote for it, because I do believe in the principle of nonproliferation. It is my earnest hope that my misgivings will prove unfounded, and that the Nonproliferation Treaty will prove to be an important step along the difficult road to arms control and peace.

EXHIBIT 1 QUESTIONS

From: Senator Thomas J. Dodd.
To: Dr. Edward Teller.
Re: Nonproliferation Treaty.

1. Question: How difficult would it be for nuclear have-not nations, once they are provided with nuclear facilities under the terms of the Nonproliferation Treaty, to use these facilities to give themselves a nuclear military capability?

Answer: The bottleneck in producing fission bombs is the availability of an appropriate quantity of U235 or Pu239. Powerful nuclear reactors having a thermal power of 1,000 megawatts or more, will produce ample amounts of Pu239. To erect appropriate chemical separation plants will raise considerable difficulties if they are not already available. This difficulty can most probably be overcome by a determined effort in two or four years. Furthermore, in the natural course of events chemical plants applicable to separation of plutonium will be established.

While it is generally believed that the secrecy erected around nuclear weapons technology will impede development in have-not nations, there is good evidence which shows that this is not the case. None of the present five nuclear nations had difficulty on this score and studies performed by uninformed individuals for the purpose of verifying the efficacy of secrecy have shown that essentially correct solutions on paper will be obtained by capable individuals in a rapid and reliable manner. Secrecy may provide somewhat greater protection in connection with the development of thermonuclear explosives.

March 13, 1969

1(a) Question: Is the supplementary technology necessary to convert peaceful nuclear materials into weapons-grade plutonium, simple and inexpensive enough to make this technology accessible to small countries?

Answer: This technology is neither simple nor inexpensive. On the other hand, a sharp distinction between reactor-grade plutonium and weapons-grade plutonium is not valid. This distinction has been mistakenly over-emphasized, even during discussion of the Baruch plan. It is wishful thinking to believe that the composition of plutonium will be a sufficient guarantee against misuse of reactor products in making nuclear explosives.

1(b) Question: Is it accurate that the so-called centrifuge process for the production of weapons grade plutonium can be accommodated in facilities compact enough to lend themselves to easy concealment?

Answer: According to the authoritative statement of Chairman Seaborg, the centrifuge process lends itself to the establishment of clandestine plants. However, even if the centrifuge is employed, production of so-called weapons-grade plutonium remains difficult and expensive. As pointed out in the previous answer, production of such material is not essential.

1(c) Question: How effective would the IAEA inspecting procedures be in preventing the diversion of materials for military purposes by governments bent on circumventing the Treaty?

Answer: An economically effective nuclear reactor must have at least a thermal power of 1,000 megawatts. Such a reactor would produce approximately 300 kg of plutonium per year and if 10% of this amount should be diverted, this will suffice to produce several nuclear explosives. By the best possible inspection procedures, diversion of material might be decreased to a couple of percent. Even in this case, the possibility of producing nuclear explosives in a short time is not eliminated. One should further remember that cheap nuclear power would make it desirable to establish a power equivalent to 100 such plants in countries like Japan and Germany in the next decade or two, and 25 such plants in countries like India or Spain. (These figures are based on the assumption that demands for nuclear electric power equivalent to the presently installed total electric power will arise in each country before the year 1980.)

It is therefore certain that even the best possible IAEA inspection will not eliminate the possibility of circumventing the Treaty in a secret manner. It is much more likely that a diversion of several percent of the plutonium will prove possible. If the Treaty is ratified, it may be essential to announce our intention to revise our stand at the end of the 18-month period, at which time we should know whether the inspection procedures are meaningful.

2. Question: Do you believe that this Treaty will really serve to prevent the proliferation of nuclear weapons? Or do you believe that the Treaty may wind up by encouraging the proliferation of nuclear weapons to nuclear have-not nations?

Answer: In view of the answers given to the previous questions, I believe that proliferation will be prevented only in case of countries which do not desire to circumvent the Treaty. Therefore, the question of whether or not the Treaty will be effective reduces to a problem of psychology, rather than technology. It should furthermore be remembered that in case of detected violation by one or two nations, other nations may feel justified in taking open possession of the whole plutonium stock which resides in their functioning reactors. In this case, rapid proliferation will ensue.

3. Question: Is it technically possible to distinguish between offensive and defensive nuclear weapons and, if so, would it be possible to build defensive weapons which could not then be employed for offensive purposes?

Answer: It is not possible to make a technical distinction between offensive and defensive nuclear weapons, *per se*. It is, however, equally obvious that one can distinguish between weapons systems deployed in an offensive and defensive manner. The antiballistic missile system is an example for the latter. It is not proven, but in my opinion likely, that one can develop appropriate electromechanical devices which together with effective inspection procedures will provide substantive assurance against the offensive use of any weapons systems which is defensively deployed and which is safeguarded in an appropriate manner. Such developments could be most significant in allowing peaceful nations to defend themselves, and would thereby decrease the incentive toward deployment of offensive systems.

In case the Treaty is ratified, it would seem highly desirable explicitly to encourage the deployment of defensive systems, and in case that appropriate safeguards become available, to exempt such defensive systems from restrictive provisions of the Treaty.

4. Question: Do you believe that this Treaty is in the overall military and political interest of the United States and the free world?

Answer: To limit proliferation would be in our interest. It is, however, not clear whether the Treaty accomplishes such limitation. By providing aid toward the development of big reactors, and by prohibiting defensive deployment of nuclear weapons, the Treaty may even help to create the means and the incentives for rapid proliferation of offensive weapons.

5. Question: In the latter part of 1969 it was announced that Moscow had installed a nuclear reactor in Cuba. On January 9 of this year Havana radio announced the conclusion of a Moscow-Havana nuclear pact. Under this Treaty according to a broadcast statement by Dr. Antonio Nunez-Jimenez, President of the Cuban Academy of Sciences, the Soviet Union obligated itself to provide equipment and scientific material, as well as Soviet scientific personnel and training in nuclear technology for Cuban engineers and scientists. Mr. Jimenez said that there were 231 top Russian scientists now serving in Cuba, with 222 more due to arrive. . . . In your opinion, does the prospect of the rapid expansion of Cuban nuclear capability which is almost certain to result from this Treaty, pose a serious danger to the security of the United States? And if there is a danger, is it a danger that relates to the next few years or is it several decades removed?

Answer: There is nothing to prevent Cuba from developing a nuclear capability in the next few years if they are helped to do so by the Russians. Such a development would certainly prove a serious danger to our security. In considering the question whether or not such a development will occur, one may remember that in the case of China, Russia first provided help then withdrew the help. The Chinese, nevertheless, proceeded to perfect nuclear weapons, although this development was somewhat delayed. On a purely technical basis it is, of course, impossible to predict what decisions Moscow will make and whether or not effective help for the development of a nuclear capability will be given.

EXHIBIT 2

UNIVERSITY OF CALIFORNIA,
LOS ALAMOS SCIENTIFIC LABORATORY,
Los Alamos, N. Mex., March 7, 1969.
Senator THOMAS J. DODD,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR DODD: Reference your letter of March 4, 1969 with regard to the Non-proliferation Treaty. My answers to your questions follow:

1. This depends entirely on the extent of the facilities provided. It should be obvious that any assistance will make such endeavor on their part easier.

(a) This is not a very good question. Reactor grade plutonium is superior to enriched uranium for many weapons applications. Consequently if one has what you call "peaceful nuclear materials" which I infer to mean reactor grade plutonium, there is no need to convert to weapons-grade plutonium in order to produce a nuclear explosion.

(b) I believe this is correct, especially if very large outputs are not required.

(c) This depends entirely on the procedures which are yet to be defined. I believe techniques being developed at the Los Alamos Scientific Laboratory would make diversion extremely difficult if we were to write the rules and were given a free hand to enforce them.

2. I don't believe it will have any effect. Those countries that want to develop weapons will. Those that wouldn't have anyway will attempt to get their "pound of flesh" from us for getting them to sign. I do not believe the treaty will encourage the proliferation of nuclear weapons to nuclear have-not nations.

3. The warhead components of defensive and offensive weapons are very similar. The difference lies in the mode of employment, i.e., range, accuracy, delivery means. Most defensive weapons weapons could be used in a tactical offensive role. Since we are contemplating a defensive warhead in the megaton region (Spartan) even yield is no criterion to separate defensive and offensive weapons. Hercules, an existing air defense weapon system, has an excellent ground-to-ground capability and at one time was a mobile system. I suspect that just having a defensive nuclear weapon system would result in military planners considering how it could be used in an offensive role. Here again the point should be made that the technology, yield, and physical size, is really indistinguishable between offensive and defensive warheads. The difference lies primarily in their application.

4. I don't know. I can argue it either way. If we and the Russians were the only "have" countries then clearly it would be. But we aren't. If any other "have" countries such as Russia, China, France, and England, wanted to get us into trouble with Russia or China they could conceivably blame an incident on us or in times of tension create something that might escalate. On the other hand, if all nations had nuclear weapons they might not be so willing to get engaged in conventional wars but clearly they could cause a lot of mischief. We have become so obsessed with the fears of a nuclear war that we seem quite willing to engage in a conventional war of any magnitude. I personally would prefer to ban conventional weapons exchange and push for conventional disarmament before we attempt nuclear disarmament. Peace can be preserved with nuclear weapons. It cannot be preserved with conventional weapons because the diplomat believes that only the military get killed in a conventional war. In a nuclear war the diplomat also is vulnerable.

If we coerce Germany to sign, it could, in the long run, have some very serious implication for NATO. If they sign voluntarily fine. The treaty in no way appears to affect the present arrangement we have with NATO and our nuclear weapons so I don't believe we can really be against it.

Since you clearly have to vote Yes or No and can't vote "That Depends" I would support a Yes vote.

I do believe that there should have been a fifth safeguard on the limited Test Ban Treaty which would have required a review every couple of years to determine if the political advantages which we expected to accrue from the treaty outweighed a technical disadvantage which we knew would exist. I am not clear as to what sort of review should be provided for in this treaty but there should be one and also if possible some sort

of penalty for violators, but this seems to be impossible in today's civilized world.

5. I don't believe that a nuclear buildup in Cuba could pose a serious danger to the security of the U.S. However, it would certainly create chaos with regard to our relationships to the countries of South and Central America and Mexico and their relationships to each other. Cuba, like England, is at a tremendous disadvantage in a nuclear era simply because of its very limited land mass.

Of necessity I have made my comments very brief so that I could comply with your request for a rapid response. If I can be of further service please call upon me.

Sincerely,

H. M. AGNEW,
Weapons Division Leader.

EXHIBIT 3

PRINCETON UNIVERSITY, PALMER
PHYSICAL LABORATORY, DEPARTMENT OF PHYSICS,

Princeton, N.J., March 12, 1969.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR DODD: You raise important questions in connection with the hearings on the Nonproliferation Treaty. I will answer to the best of my ability. However, I must point out that my background is limited to the physics of fission, the design of plutonium production reactors, the design of atomic and hydrogen weapons, and includes only a limited background in the field of chemical processing.

1(a). Is the supplementary technology necessary to convert peaceful nuclear materials into weapons-grade plutonium, simple and inexpensive enough to make this technology accessible to small countries?

Answer: Predetonation of plutonium is the concern here. Purification is one answer. Fast implosion, before predetonation can cause trouble, is another answer. The combination of the two techniques is a third answer. India, Israel, Sweden and Switzerland, in my opinion, all possess the necessary number of people with the necessary amount of knowledge and ability. All four countries, in my opinion, can find a simple and inexpensive way to convert peaceful nuclear materials into weapons-grade plutonium.

1(b). Is it accurate that the so-called centrifuge process for the production of weapons-grade U-235 can be accommodated in facilities compact enough to lend themselves to easy concealment?

Answer: The centrifuge process in my opinion is superior to the diffusion process and the process of production of fissile material in a pile. It is superior because it lends itself to easy concealment. Even more important, both for us and for others, in my view, is this, that the centrifuge process lends itself to operation in a blast shelter.

1(c). How effective would the IAEA inspection procedures be in preventing the diversion of materials for military purposes by governments bent on circumventing the Treaty?

Answer: In connection with my past service on the U. S. A. E. C. Reactor Safeguard Committee, I and a few other colleagues have given very special attention to the possibilities of sabotage and of conducting operations that are illicit by all the rule books. I have been impressed and dismayed at how many ways one can dream up to do extremely dangerous things without much chance of getting caught. These studies referred to operations where one had to assume that everybody around the plant is an enemy of the saboteur. When one can assume that everybody around is a friend or even that 90% of those around are friends, as I can well imagine to be the case, when concerned men in a small country want to divert materials to military purposes, I believe the opportunities are infinitely greater and the dangers—to the man!—are infinitely less.

2. Do you believe that this Treaty will really serve to prevent the proliferation of nuclear weapons? Or do you believe that the Treaty may wind up by encouraging the proliferation of nuclear weapons to nuclear have-not nations?

Answer: A meeting of bishops in Paris outlawed the crossbow, but the crossbow spread. What could be more immoral, they said, than a bolt which flies out of the sky to kill one without the opportunity even to see his assailant? They ruled that anyone captured in war with a crossbow in his hand should be deprived of all the rights of a prisoner and be put to death. The history of later ages is rich with agreements between power and power to prevent the spread of gunpowder from similar reasons of morality. Gunpowder spread. Nothing could be better calculated, in my opinion, to encourage the small nations to enter what would otherwise be a hopeless race than to freeze technology at its present level.

3. Is it technically possible to distinguish between offensive and defensive nuclear weapons? In your opinion, would open access to defensive weapons on the part of the have-not nations increase or decrease the pressure to acquire offensive nuclear weapons?

Answer: I do not know of any device more definitely in the category of defense than a nuclear bomb planted in a Turkish mountain pass to block the way from the Soviet Union. There is no one whose word I would sooner trust than that of the Turkish leaders well known to me. But if it ever became necessary for the survival of Turkey as a nation to convert that nuclear mine to a deliverable weapon, Turkey can in my opinion put together a group with the drive and energy and ability to convert that device into a deliverable bomb. I have followed over the years the changing fortunes of the struggle between the maker of locks and the picker of locks, the maker of guns and the maker of armor, the maker of codes and the breaker of codes. No more in this case than in those cases do I see the possibility of stopping a clever group of men from making a deliverable bomb out of the defensive device. I see no clear way to distinguish between offensive and defensive nuclear weapons. Aware as I am of the people and pressures in two countries that would force those countries to start making nuclear weapons, I cannot think of a means better calculated to help them realize their dream than to put into their hands "defensive" nuclear weapons.

4. Do you believe that this Treaty is in the over-all military and political interest of the United States and the free world?

Answer: I know of no better answer to this question than the eloquent statement of the great lawyer and leader, the later Secretary of State, Charles Evans Hughes, when, speaking on behalf of the United States, he recommended against ratification of the Hague Convention against poison gas warfare. His reasoning was simple. The responsible nation that signs will adhere to the convention. The warmaker will not. Moreover, he reasoned, no nation whatever its standards can be expected to refrain from using a decisive weapon at a moment when its own future existence as a nation is at stake. The United States agreed with his reasoning and rejected the convention. I cannot think of any move better calculated to give the secret police states an advantage over the democracies than to ratify this "nonproliferation treaty".

5. In the latter part of 1968 it was announced that Moscow had installed a nuclear reactor in Cuba. On January 9 of this year Havana radio announced the conclusion of a Moscow-Havana nuclear pact. Under this Treaty, according to a broadcast statement by Dr. Antonio Nunez-Jiminez, President of the Cuban Academy of Sciences, the Soviet Union obligated itself to provide equipment and scientific material, as well as Soviet scientific personnel and training in nuclear technology for Cuban engineers and

scientists. Mr. Jiminez said that there were 231 top Russian scientists now serving in Cuba, with 222 more due to arrive . . . In your opinion, does the prospect of the rapid expansion of Cuban nuclear capability which is almost certain to result from this Treaty pose a serious danger to the security of the United States? And if there is a danger, is it a danger that relates to the next few years or is it several decades removed?

Answer: I am not worried about the possibility that Taiwan might build a weapons-and-missiles system, with or without American aid. I am not worried about the possibility that Cuba might build a weapons-and-missiles system with or without Soviet aid. I am very much worried about the possibilities quickly to introduce the existing Soviet weapons-and-missiles system in Cuba. The time scale for my worry is not decades or years, but months. With a few hundred key technicians of the right kind on the right spot, with the right directives, it is a matter only of a limited number of months, in my opinion, before a disarming destructive power could be brought to bear on the United States from close quarters.

I appreciate the honor and privilege of being asked to contribute on this topic.

Sincerely yours,

JOHN ARCHIBALD WHEELER.

Mr. HART. Mr. President, earlier this week I voiced support for the treaty. At that time I suggested that it was not quite as dramatic an advance as some seemed to suggest, though it was desirable to ratify, and that rejection would have serious adverse consequences.

Two rather short but interesting and conflicting views were published in the March 14 issue of Commonweal. One was written by Betty Pilkington, the United Nations correspondent for Pacifica radio, WBAI. The other article is written by Peter Steinfelds, an associate editor of Commonweal.

I suggest these views would be appropriate as we approach the vote. I therefore ask unanimous consent to have the articles to which I have referred printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

NONPROLIFERATION: TWO VIEWS¹ DISARMING BUT NOT DISARMING (By Betty Pilkington)

When Washington at long last ratifies the Treaty on the Nonproliferation of Nuclear Weapons, Americans in general will probably share a common illusion: that the United States has demonstrated to the world that she not only preaches disarmament in the appropriate forums but practices it through binding international commitments.

There is, unhappily, not one ounce of actual disarmament in the package. There is no demand for the destruction or freeze or cutback of those nuclear (or other) arms now in the possession of the five nuclear powers—China, France, and the United Kingdom, but more especially the United States and the Soviet Union, cardinal framers and movers of the treaty.

Moreover, of some eight or ten measures regarded as providing a proper linkage with the treaty, none has received serious attention. Indeed, even as early as October 20, 1966, Arthur Goldberg, speaking in the UN's First Committee, had warned against "encumbering [the] negotiations . . . by any attempt to link it [the treaty] to additional disarmament[!] measures." One of those

¹Betty Pilkington is the United Nations correspondent for Pacifica Radio, WBAI. Peter Steinfelds is an associate editor of Commonweal.

measures, a prohibition of the development or deployment of anti-ballistic missiles, now appears to have been openly defied by the Pentagon disclosure that the question is less one of "whether" than "where."

The Senate debates ratification

Senator J. William Fulbright, on the first day of the Senate Foreign Relations Committee Hearings on the treaty, confronted Secretary of State Rogers with the inherent contradiction between Article VI (the undertaking "to pursue negotiations in good faith . . . relating to . . . nuclear disarmament . . .") and deployment of the Sentinel. The Secretary not only disagreed but refused to say Yes when the Senator asked, "If this is ratified, you might be more persuaded to drop the ABM?" There is one potential plus factor here. By reiteration of that contradiction the committee hearings have fortified Senate opposition to the ABM; and if the Sentinel is in fact defeated, the treaty can claim credit.

The treaty's second sin of omission—its failure to oblige the nuclear powers to offer the non-nuclear guarantees against nuclear attack—was, like the first, no accident. On August 24, 1967, Ambassador William C. Foster (US), speaking before the Eighteen Nations Disarmament Committee, had termed the security of the non-nuclears a matter "which because of its complexity and the divergent interests involved, cannot be dealt with in the treaty itself."

U.N. resolution

In an attempt to answer the objections to this incredible void, the two superpowers moved through the Security Council a resolution to "accompany" the treaty. It is, however, virtually worthless since its effectiveness demands unanimity among the five permanent members of the Council, something that is most unlikely—historically so proven—when tensions are at the threat-to-the-peace-of-the-world level.

What the treaty does not do is all too clear. What it does do is not.

There are, indeed, two articles concerned with making nuclear energy for peaceful purposes more available to the non-nuclears. But the main thrust of the document is contained in the first two of its eleven articles: nuclear powers undertake not to transfer nuclear explosive devices or the control over such to "any recipient whatsoever" and not to "assist, encourage, or induce" a non-nuclear to manufacture or acquire the same; and non-nuclears, for their part, undertake not to receive, manufacture or acquire such devices.

The no-transfer obligation assumed by the nuclears had its origin in the gulf dividing the United States and the Soviet Union in the early stages of their negotiations on the treaty. The Soviet Union feared that West German, by either a multilateral Western nuclear defense force or a political union, would get access to nuclear weapons. In fact, this central issue is still unresolved. The language of the treaty sounds prohibitive in application of this very point, and yet the United States retains her view that a multilateral nuclear force incorporating personnel from one or more non-nuclear states would not violate the treaty, and at the same time the Soviet Union adheres to her view that it would.

But the potential hazards inherent in this central conflict of interpretation was not enough to slow the speed and fury of the US-USSR efforts, within the UN, to give the covenant a certain first round of legality by "commending" it via a General Assembly resolution (June 12, 1968; 95 to 4, with 21 abstentions).

But why that haste? And for that matter, why the treaty at all, since it addresses itself only to the threat or possibility of horizontal proliferation and not to the frightening reality of vertical proliferation?

Privately the nuclear powers seemed to see it as a means of deterring a handful of countries with the capacity and/or will to manufacture nuclear weapons—India, Canada, West Germany, Japan, Israel and others—from doing so. But it would seem highly probable that allegiance to an inequitable treaty is going to be less sacred for any of these nations in a time of crisis than the concept of national survival.

Some of the treaty's most severe critics, therefore, believe that the superpowers had other objectives, such as: (a) to restrict the public image of the nuclear club to its four UN members ("monopoly in perpetuity" was the phrase used by Kenya's late Minister of State for Foreign Affairs, Mr. Argwings-Kodhek); and by a broad ratification of the treaty, to ward off any later formation of a sizable Chinese-directed nuclear consortium; (b) by a sustained ballyhoo over something that looks like disarmament but isn't, to deflect complaints directed against the nuclears themselves for getting nowhere with real disarmament; and—as for the Why of the haste—(c) to get a formulation nailed down before the opposition had had a chance to exploit its glaring weaknesses.

Chances: Zero

The non-nuclears wanted to be able to hold their own conference well before being obliged to vote on the Assembly resolution conveying the treaty. Heady corridor pressures reduced their chances to zero. In fact, Ambassador Danieli of Tanzania stated openly (First Committee) that when his delegation and others expressed concern about the treaty "we were told that the only alternative for us was to 'take it or leave it.' We had expected . . . the spirit of accommodation—not the bitter pill of blackmail."

When the non-nuclears finally met—in Geneva, more than two months after the resolution had cleared—the issue was largely academic. But they felt that their ideas might exert some influence, if only indirectly, once the treaty had experienced a few trials-by-fire, especially in the application of those clauses designed to aid the non-nuclears in the peaceful use of nuclear energy.

Meantime, Washington's long delay between signature and ratification has done nothing to change the feeling of these countries about the inadequacy of the treaty, and most of those same states would, too, remain non-nuclear with or without a treaty.

The lineup

In all, 88 states (including East Germany) have signed it. But only 9 have to date ratified it, and among these Canada is the only "near-nuclear." Among the nuclears, only the United Kingdom has ratified it. The Soviet Union is expected to act immediately after the United States; France has of now no intention of even signing it; and China, understandably, has had no wish to become a party to a treaty that was in any way authenticated by an organization from which she is still barred.

Lyndon Johnson, as President, speaking before the General Assembly less than an hour after the crucial resolution was adopted, called the treaty the "most important international agreement in the field of disarmament since the nuclear age began." But what Lord Chalfont had said a year earlier (ENDC, Geneva) was decidedly less Texan and far more relevant: "[I]f a non-proliferation treaty is not followed by serious attempts amongst the nuclear powers to dismantle some of their own vast nuclear armory, then the treaty will not last . . ."

A NUCLEAR SARAJEVO

(By Peter Steinfelds)

Several years ago, nuclear non-proliferation, like integration and Adlai Stevenson's sense of humor, was an unquestioned liberal cause. But like other liberal causes, non-proliferation has become suspect. Al-

stair Buchan wrote in 1966 that "the discussion about the spread of nuclear weapons and its inhibition or control is, to an even greater extent than earlier controversies about the arms control, an argument about the future structure of authority, prestige and power in the world." And since the war in Vietnam, many Americans have come to doubt the "liberal" vision of this future world structure.

No surprise then that the non-proliferation treaty, up for Senate ratification, has met a resounding lack of enthusiasm on the left as well as the usual objections from the right. The treaty is very much in the interests of the U.S. and the USSR because it helps preserve their super-power status. No one has ever concealed this fact, although a few critics are discovering it now as though it were evidence of horrendous Machiavellianism. Now and then, of course, the interests of the super-powers happen to coincide with those of world peace. Still, the brutal intervention of the U.S. in Vietnam and the Soviet Union in Czechoslovakia does make their support for this peacemaking measure suspicious, if not downright hypocritical.

There are also tactical reasons for sniping at the treaty. For example, *Mayday*, in its relentless harassment of the Establishment, recently revealed that the Atomic Energy Commission's interpretation of Section 5 of the treaty would provide nuclear explosive services to American firms for oil and gas exploration without charging for taxpayer-supported research and development. Senator Fulbright and others have used the treaty's clause concerning nuclear disarmament as a club in their fight against the Sentinel antimissile defense system.

More disturbing, however, is the possibility that liberals and radicals, like Dr. Strangelove, have simply "learned to live with the bomb." The peace movement, of necessity, has shifted criticism from missiles and warheads to napalm and counter-insurgency. The generation of SANE and the Student Peace Movement is succeeded by that of Clergy Concerned and SDS. The menace of a new arms race may counteract this tendency. But meanwhile the assumption has spread that a world of many nuclear powers might be as stable as the bipolar "balance of terror" has lately appeared to be. Furthermore, sympathy for the Third World or Gaulist non-conformism renders incredible, or even ludicrous, the implicit assumption of some non-proliferation advocates that only Americans and Soviets, of all people, are mature enough to handle nuclear weapons.

Yet unless one believes that nuclear weapons are just too horrible and humans just too smart ever to use them again—shades of Mr. Nobel and his hopes for dynamite!—the possibility of proliferation should be unnerving. The international system would not be one of stable deterrence at all, but rather of a whole series of unstable arms races, overlapping and feeding back in deadly patterns. An Indian bomb to deter China (and experts have told Congress that India could have nuclear arms in six months) might require a Pakistani bomb to deter India. Since India's nuclear armament would be inferior to China's, a nuclear threat from Peking might call forth a nuclear threat from Washington to cover New Delhi, or a border incident might lead the Indians into a preemptive strike; or if Pakistan's weaponry were inferior to India's, a conflict between those two nations might draw in China, in turn drawing in the U.S., and so on. Stanley Hoffman described a series of such frightening scenarios in the American Assembly's *A World of Nuclear Powers?*

The point is that various nations would always be passing through the phases of non-hardened weapons or primitive delivery systems which would either limit their own deterrence capacities to surprise attacks on first strikes, or which, on the other hand, would tempt their opponents to "kill the

snake in the egg." Enormous sums would be diverted from more rational purposes. The desire of super-powers neither to be dragged into Armageddon by their smaller partners nor to abandon these partners to nuclear blackmail or destruction might infect alliances with an intolerably dangerous degree of ambiguity. Then there are the increased chances of irrational leadership or nuclear mishap. The world would constantly stand on the verge of a new Sarajevo.

Critical objective

None of which proves that nuclear proliferation can indeed be halted at all, or that the present treaty is the best instrument to that end. It does suggest that non-proliferation remains a critical objective, and that criticism of the treaty ought to be directed toward making it more effective rather than exposing the admitted self-interest of the super-powers.

In fact, the treaty is a good, if modest, beginning. The ambiguity regarding regional nuclear armament is there, yes, and other shortcomings as well; but that only raises the old question of half a loaf, and all the metaphysical arguments attendant thereon. The whole loaf might link non-proliferation firmly with some concrete and substantial super-power disarmament; it might also give a clear "no" to the question of West German participation in a nuclear force. But the first proposal would surely postpone the treaty past the time when it could be effective in halting the drift to proliferation. The second proposal risks, as does even the present treaty, a political reaction within West Germany by giving nationalists there a handy issue. As for guarantees to non-nuclear nations, they are highly delicate and highly dangerous matters, capable of transforming local incidents into world disaster.

The treaty could be rendered worthless or even self-defeating—if it is not part of an over-all anti-proliferation policy. (As a precedent, there is the well-intentioned Eisenhower "atoms-for-peace" program, which most experts now agree helped rather than hindered proliferation.) Any anti-proliferation policy must begin with a U.S.-Soviet agreement to halt the new arms race in antimissile defense systems and additional weapons developments.

This could lead to extending the test ban to underground testing, a step blocked so far by the need to test antimissile devices. Further measures might be international inspection or ownership of all diffusion plants and chemical separation plants, and the establishment of non-nuclear zones beginning with Latin America and Africa.

On the political level, the emergence in peace-making efforts of a self-conscious non-nuclear club of nations like Canada, Germany, Japan, India, and Sweden, which would have renounced their obvious nuclear potential, might dissociate international prestige from possession of nuclear arms.

All claims to international-ranking on the basis of nuclear armaments should be abandoned. Finally, and more immediately, a U.S.-Soviet understanding over the minimal security needs of India and Israel might allow those nations to forgo nuclear weapons without leading to the kind of unilateral and automatic nuclear "guarantee" that could bring on a fatal East-West confrontation.

Mr. MONDALE. Mr. President, nothing will come before Congress this year that is any more important than the Nuclear Nonproliferation Treaty before us right now.

Somehow, now, this year, before it is too late, we must begin to take the steps that will deemphasize arms and deescalate military techniques as a means of dealing with our international problems. I hope the passage of this treaty

will be followed by decisions not to deploy antiballistic missiles, by serious talks with the Soviet Union on weapons systems, and by an end to our involvement in Vietnam—in whatever order those things can be accomplished.

Before us now is the question of what kind of world this is going to be in the last third of the 20th century, and perhaps whether there will be another century for us at all. We are right up against a decision about whether or not we will have two great armed camps permanently bristling with arms and waiting for a nearly inevitable explosion.

The campaign for nuclear weapons has already shown us what happens when the United States and the Soviet Union take the line of competition rather than the line of cooperation. Once we were two nations with the power to destroy not only each other but also the rest of the world. Now, belatedly, we seek international agreement to stop the worldwide deployment of nuclear weapons. With China and France clearly in the category of nations with nuclear capability, and other nations on the way or talking about getting on the way, we are finally seeking the route of sanity with regard to nuclear weapons.

Of course, there is nothing in this treaty to assure us it will not be abrogated. There is nothing in this treaty to assure us that every nation will sign it. We must, if we sign this treaty, depend on the good faith of the international community to protect us from disaster.

But what else is there for us to depend upon—whether we talk about weapons systems, military restraint in the face of lesser or greater provocation, reaching a settlement in Vietnam, strengthening the United Nations as a force for peace—whatever the means of protecting ourselves from international disaster? International negotiations and international agreements—international good faith—are truly our only means of survival. For in a world of nuclear power and defensive alliances, any nation has the capacity to destroy the world, through provocation or intemperate response to the provocation of others.

We, the Soviet Union, and the other nations of the free and the not-so-free world, are on the verge of committing ourselves to policies about as certain to bring disaster as pushing the plunger on a charge of dynamite. Once that plunger is pushed, about the only thing that can stop the explosion is a worn-out battery.

The Nuclear Nonproliferation Treaty offers us the chance to step back, at least symbolically, from the international competition in arms, and to encourage other nations to do the same. It will be a hollow gesture if it is not followed by other steps to dampen the arms race. But anything else we might do will ring hollow as well, if we do not take the opportunity that is before us.

Mr. President, there has been a great deal of official and unofficial talk about post-Vietnam "peace dividend." Unless we stop the arms race, there will not be a dividend at all. This treaty is a vital step along the way, if not to peace, at

least to the promise of a less warlike international atmosphere.

Mr. President, this treaty should not merely be ratified. It should be ratified unanimously. I do not expect that we will accomplish that, but I urge my fellow Senators to join me in this critical step.

Mr. GOODELL. Mr. President, the history of voluntary arms control among nations has been long, but with modest achievement. Competition in arms has been the rule. Limitation, restriction and reduction of arms have come about only as hard won exceptions.

We recall that the Nuclear Nonproliferation Treaty, the most far-reaching nuclear disarmament document to date, has emerged after over 7 years of laborious talks among nations, including over three years of intensive Soviet-American negotiation.

In the Senate, the treaty has received concentrated study by the Senate Foreign Relations Committee and incisive review on the Senate floor. The time has now come to make a decision.

I strongly support ratification of the Nonproliferation Treaty. I am gratified that the resolutions and understandings offered to the treaty, the net effect of which would have added little to its substance while weakening its acceptability to other nations, have been soundly defeated.

In essence, this treaty bans the spread of nuclear weapons. It also provides the nonnuclear nations access to the benefits of nuclear energy for peaceful purposes. As such, it is a document with advantages to both nuclear and non-nuclear countries.

In effect, the treaty presents us with a way to minimize the prospects of nuclear war from a variety of sources. Equally important, it involves a conception about future relations among nations and the nature of world stability. The treaty envisions cooperation among nations rather than vicious arms competition. In these important respects, the treaty advances our national security and foreign policy interests.

The treaty represents a consensus among the signatory nations that proliferation of nuclear weapons could seriously increase the danger of nuclear war. It represents a consensus among nuclear and nonnuclear nations that there are shared national interests even amid great differences; despite other conflicting interests, there is ground for common action to reduce the risk of nuclear war.

Throughout Senate consideration of the Nonproliferation Treaty several fundamental points have emerged:

The treaty is presently weakened in effectiveness by nonsignatories. The treaty has been rejected by nuclear nations France and Communist China. It has yet to be signed by West Germany, India, Israel, and Japan. Nevertheless, the treaty does represent a major step toward halting the spread of nuclear weapons and it is a framework for cooperation among nations;

The treaty is in no way to be construed as establishing new commitments by the United States to defend non-nuclear nations threatened by nuclear aggression.

March 13, 1969

The treaty does not provide for reduction of nuclear armaments of the United States or any other nation; rather it checks the spread of nuclear weapons to nonnuclear nations.

There are many things at stake in our advice and consent on the Nonproliferation Treaty. At one level, at stake is the usefulness of the United Nations and the Eighteen Nation Disarmament Conference—ENDC—in providing a forum for international discussion and action. Clearly these forums are of increasing importance to the nations of the world.

At another level, at stake is the advance already made in expanding agreement on nuclear weapons beyond the United States and the Soviet Union. Prior to the Nonproliferation Treaty, focus was on Soviet and American agreement on nuclear weapons and minimizing nuclear risks. We recall the "hot line," the atmosphere Test Ban Treaty, and the non-militarization of outer space. Today, with the Nonproliferation Treaty we seek agreement from the other nations of the world.

At still another level, at stake is the future of general disarmament and the likelihood of mutual and parallel steps in this direction. Article VI of the treaty provides that each party to the treaty "undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

Clearly, there is unfinished disarmament work on nuclear testing and on qualitative limitations to the escalation of nuclear arms between the United States and the Soviet Union.

In addition, there is an area of biological and chemical warfare—BCW. While we talk of minimizing the dangers of nuclear devastation, let us be reminded of the fear, panic, casualty, and death caused by the toxic environment of gas used in World War I. There is presently growing concern over herbicidal chemicals and their use in war. Experience demonstrates the impact that science and technology can have on the battlefield and forecasts the insidious nature which weapons could have in future wars unless checked. There is an urgent need for clarification on just what constitutes biological and chemical warfare. There is the pressing need for the nations of the world not only to condemn the use of biological and chemical warfare—BCW—but also to limit its production.

The Nonproliferation Treaty, then, is one step in preventing the proliferation of nuclear confrontation. Further steps toward easing international tension and increasing mutual trust are based on the question of whether the interests we hold in common with other nations provide a sufficient basis for further cooperative action.

While we speak of preventing the spread of nuclear weapons, nations of the world will not accede unless and until their problems of national security are solved.

Ratification of the Nonproliferation Treaty, then, must be paralleled with increased efforts at confidence-building among nations. President Nixon's recent trip to Europe, his consultations with the leadership of Western Europe, his willingness to meet with the Soviet Union in missile talks, his expressed interest in listening to the leadership of the nations of the world are a hopeful sign in this confidence-building.

For the above reasons, I am pleased to join with other Senators in urging advice and consent to the ratification of the Nonproliferation Treaty.

Mr. HARTKE. Mr. President, I support and shall vote for ratification of the Treaty on Nonproliferation of Nuclear Weapons presently before us.

The arguments both pro and con ratification have been ably marshalled and presented to us in the report of the Committee on Foreign Relations. By a nearly unanimous vote the committee, under the brilliant leadership of its distinguished chairman, the Senator from Arkansas (Mr. FULBRIGHT), has strongly recommended ratification. Other Senators of great distinction have debated the question, both in support of and opposition to the committee's recommendation, in a manner that reflects the highest possible credit upon this body and reinforces its status as the greatest deliberative assembly in the world.

I may say, too, Mr. President, that the quality of this debate should serve to remind the Nation—if indeed it needed any reminders during this tragic era of our Vietnam involvement—that competence on the deepest problems of international politics is by no means confined to members of the executive branch of Government.

The question now before us is whether we should advise and consent to the ratification of the Treaty on Nonproliferation of Nuclear Weapons. I have already stated that I shall vote "yea" on the absolutely fundamental grounds that it is in the vital interest of the United States to adhere to the treaty. Not even the opponents of the resolution deny that effective steps to halt the spread of nuclear weapons are indeed vitally important to us. The only question is, does this treaty hold promise of being an effective means to that end? I believe it does, Mr. President, and wish at this time to address myself to one aspect of crucial importance to an assessment of the treaty's feasibility.

It can be put in the form of a simple query: Can we trust the Russians? Can we trust them to abide by the terms of the treaty and not take some sort of insidious advantage of our own good faith?

The answer seems to me perfectly clear. We cannot trust the Russians to abide by any agreement, formal or informal, which they believe to be harmful to their own interests. But neither can we trust the British, the French, the Indians, the Mexicans, or any other nation that now exists or ever has existed, to live up to the terms of a commitment that they come to regard as inimical to their own vital interests. Nor indeed, Mr. President, has the United States ever sacrificed a vital interest in order

to fulfill an undertaking that, because of changed circumstances, appeared threatening to us.

But we can trust the Russians—and they us—to comply faithfully with the terms of a mutually advantageous agreement. So the judgment we have to make is whether, in fact, the Soviet Union shares with us an interest in preventing the spread of nuclear weapons throughout the world. And alternatively, are there circumstances in which the leaders of the Kremlin would perceive important advantages to themselves in providing nuclear arms to states which do not now possess them?

Again, the answer to both these questions seems to me perfectly clear. The Soviet Union has demonstrated in every conceivable way that they, like us, view the prospect of a nuclear war with utter horror. On every occasion since the dawn of the atomic age when confrontation between us seemed imminent, or even possible, they have joined with us in defusing the crisis. And indeed in some instances—most notably the Berlin confrontation of late 1961—the Russians unilaterally pulled back from a position on which their leaders had staked a considerable measure of reputation. I emphasize the word "unilaterally"; they themselves defused the very dangerous Berlin situation without the slightest concession on our part. This seems to me a telling indication of their profound concern to avoid nuclear confrontation. And by joining with us and other signatory powers in limiting the spread of nuclear weapons, the Soviets enhance their own vital national interest in lessening the possibility that confrontations will be imposed upon them—or us—by circumstances outside our control.

Let us look at the matter of Soviet good faith from the vantage point of the second question I raised: Could the Russians gain some positive advantage by secretly providing nuclear arms to their friends and allies? If the weapons were ever to be used, such an act of madness could come about in only two ways: the Soviet-armed state could launch an attack with Kremlin permission or without it. If the latter, the Soviet Union itself would then be engulfed in a nuclear catastrophe against its own wishes. If the former, it would suffer the same immeasurable disaster without having had whatever strategic advantage accrues from precise controls over the timing and targeting of the attack.

For there can be no mistaking the consequences of a nuclear attack by any nation upon any nation: the nuclear superpowers would inevitably, irresistibly be drawn into the maelstrom of retaliation and counterretaliation. Can we, for example, envision the United States sitting idly by while Egypt, say, launched a nuclear assault—the weapons supplied by Russia—against Israel? Can we envision the Soviets sitting idly by while Greece, say, launched a nuclear assault—the weapons supplied by this country—against Bulgaria?

No, Mr. President, the situation is entirely clear: There is absolutely no advantage to be gained, this side of Armageddon, for either the Russians or our-

selves to provide other nations with means of waging nuclear war. Hence, to join with the Soviet Union in a Non-proliferation Treaty is not at all to rest our national security upon Soviet good faith, benevolence, or high-mindedness. It is a matter, plainly and simply, of recognizing that Russian interests, like ours, require their compliance with the terms of the treaty. For them to violate the treaty is to place their own vital interests in jeopardy. That is the most nearly perfect guarantee we can have or hope to have—that they will abide by an undertaking of this sort.

None of what I have said, Mr. President, is meant to suggest that the problem of nuclear weapons proliferation will be definitively settled by our ratification of this treaty or by the Soviet Union's strict observance of its terms. We shall still have to live with the fact of French and Chinese refusal to become signatories and with the expressed unwillingness of other nations that have the technical capacity to become nuclear powers in the near future. But it is surely no argument against this or any other treaty to say that it falls short of perfection. It is a step—a large, useful step—in the direction of a goal all civilized people wish to attain—a world in which the word "nuclear" will be associated in men's minds not with nightmare and annihilation but with progress and abundance for all the peoples of the world.

Mr. NELSON. Mr. President, the awesome power of the hydrogen bomb is known to all of us. Today, five nations, Great Britain, France, Russia, China, and the United States have nuclear weapons, and about 25 other countries have the technological and economic potential to develop them also. As the membership in the nuclear club increases, the chance that some irresponsible nation might unleash this vast power grows greater. Therefore, stopping the spread of nuclear weapons should be of vital concern to men everywhere.

Certainly, we are aware that the triggering of nuclear warfare would bring disaster to all countries involved. It is crucial that further proliferation of this enormous power be stopped.

The ratification by the U.S. Senate of the Nuclear Nonproliferation Treaty is a most important step in that direction. This treaty is another wedge in our attempt to stop the insane rush that has propelled our civilization towards self destruction.

Our country has a long history of trying to control this devastating power—in 1946 the Baruch plan proposed an international authority to control all dangerous atomic materials from the mining process to the manufacturing of finished products. Approval of this plan would have removed nuclear energy from the military field, but unfortunately it was not adopted. However, in the same year, 1946, the McMahon Act prohibiting the proliferation of nuclear weapons to any other nation, passed the Congress. This unilateral action indicated to the rest of the world that the United States had no intention of sharing this military power with other nations. However, other countries did develop the bomb, first Russia, then Great Britain, France, and

most recently China. Despite the spread of the bomb to other nations, in 1954 we reiterated our pledge not to share the U.S. nuclear military expertise with other nations, when we passed the Atomic Energy Act.

Ever since the Soviets exploded their first atomic bomb, the United States has sought to reach an agreement with Russia limiting the use of atomic energy to peaceful purposes. In 1963, the first breakthrough was made with the Soviets. A Nuclear Test Ban Treaty was mutually negotiated and found acceptable to us and the other major world powers. Testing of weaponry in the atmosphere was prohibited, and neither Russia nor the United States had broken its pledge in this regard.

In 1963, all Americans hailed this treaty as a great step forward.

In 1963, our nuclear sophistication and know-how was so great that our national security was not at all endangered by ratification of that treaty. There was no need for further atmospheric testing. Today we have stockpiled vast stores of atomic weaponry. We have enough hydrogen bombs to explode every form of matter in existence. To be sure, the Russians probably have a force equivalent to ours.

But while our military strength is enormous, there have been events that could have precipitated a nuclear disaster.

Fortunately, the lines of communication between Russia and the United States have been kept open, and differences have been discussed—disputes settled.

However, as atomic warheads and nuclear weaponry proliferate, the channels toward peaceful resolution of problems become more difficult to negotiate.

In recognition of this fact, the U.S. Senate in 1966 unanimously adopted a resolution urging the President to negotiate an international agreement limiting the spread of nuclear weapons. On this issue, there was no partisan dissent. But yet today after an agreement has been negotiated, and after 87 nations have already signed the treaty, including the U.S.S.R. and Great Britain, some are heard to say, "Maybe the Senate ought not to ratify this treaty."

This Nation cannot afford to let the irresponsible voices win out over the sensible arguments pressing for ratification of the Nuclear Nonproliferation Treaty. Men of great military and political expertise such as General Wheeler, Deputy Secretary of Defense Nitze have testified before the Senate Foreign Relations Committee urging speedy approval of this treaty. I think their dialog is of particular importance, and let me read it to you now:

Senator PASTORE. Now there is absolutely nothing in this treaty that is of a disadvantage to us in a military sense. Is that true?

General WHEELER. That is my belief, sir.

Senator PASTORE. As a matter of fact, all that the military, all that the nuclear powers, are being asked to do is not pass the control of these weapons to other countries.

General WHEELER. That is correct, sir.

Senator HICKENLOOPER. Does this treaty create any inhibitions on our own national defense?

Secretary NITZE. It does not, Senator. General WHEELER. That is my view also, Senator.

The Secretary of State, under the Johnson administration, Dean Rusk, has wisely counseled the Senate along with other high-ranking Government officials for speedy acceptance.

I, too, believe that the Senate should give its advice and consent to this treaty. Failure to do so in this session of Congress would be irresponsible and detrimental to the cause of world stability and peace.

The incorrect conception that this treaty is against the interests of the security of the United States should not be given legitimacy and credence. The Nuclear Nonproliferation Treaty in no way affects our nuclear capacity. It simply provides assurance that the nations without nuclear weapons will not develop the military aspects of atomic energy but will direct atomic know-how for peaceful purposes only. The treaty also commits the nations with nuclear capacity not to transfer nuclear weapons or control over them to any other nonnuclear power.

While the Nuclear Nonproliferation Treaty represents a step forward, it is not the end of the road. It does mark an improvement over the present situation—possibly 100 nations will be signatories of this treaty—this seems to be a milestone in the progress of international diplomacy.

Sharing the knowledge of nuclear power for peaceful purposes can bring great benefits to the people of the world. Nuclear energy is now helping us to treat and diagnose the sick, to produce and grow better crops, and to run industries more efficiently. Most dramatically dozens of nuclear power stations will produce millions of kilowatts of electricity. We can even look forward to the day when the energy from large nuclear reactors will produce fresh water, fertilizers, in addition to more electrical powers.

During the Truman, Eisenhower, Kennedy, and Johnson administrations, every effort was made by Americans, regardless of party, to work out sensible international agreements involving atomic materials. The search for some formula to control the spread of nuclear weapons has been an important and urgent task of four administrations.

Today in 1969 speaking in favor of the Nuclear Nonproliferation Treaty to prevent the spread of nuclear weapons this is the question we face: Are we now going to turn our backs and repudiate the work of four administrations and the advice of the new Nixon regime to ratify, ignore the advice of our leading military and Government officials; or are we going to speedily ratify the Nuclear Nonproliferation Treaty?

The question has been put forward—my vote is for ratification.

Mr. PERCY. Mr. President, the Treaty on the Nonproliferation of Nuclear Weapons raises many questions, some of which have been ably answered on this floor in the past few days, and others which have as yet been unanswered. I have consulted with the able and dis-

tinguished Senator from Maryland (Mr. MATHIAS), and we concur that the following questions are pertinent, and we feel that the answers provide an adequate basis for supporting ratification of the treaty. The questions we have asked ourselves follow:

Question: When will the Soviet Union ratify?

Answer: On the one hand, one might expect the U.S.S.R. to delay deposit of ratification until the United States had deposited and West Germany had at least signed. On the other hand, the Soviets might believe they would have more leverage if they deposited in the not too distant future, possibly at the same time as the United States, and thereby would be able to exert more pressure on non-signatories and nonratifiers.

Question: What of the intention of France and Communist China not to sign?

Answer: There is no doubt that the treaty would be relatively stronger if both Communist China and France were to sign. However, every nonnuclear nation which signs eliminates itself as a recipient of nuclear weapons, including from nuclear powers who do not sign the treaty. Already 84 nonnuclear nations have signed, and we anticipate many more.

Moreover, the NPT contains an obligation that nonnuclear powers should not make nuclear weapons on their own, and this obligation obviously is not affected by the nonadherence of France and Communist China.

There is no reason to presume that Communist China and France would place nuclear weapons in the hands of other seven if they were in a position to do so. In fact, the French Ambassador stated at the United Nations that "France will behave in the future in this field exactly as the states adhering to the treaty."

Question: What is the status of the major non-nuclear-weapon nonsignatories?

Answer: Nine countries are judged capable of producing some nuclear weapons within 5 years. Four have already signed the NPT: Canada, Italy, the Netherlands, and Sweden. Those that have not yet signed are Australia, Federal Republic of Germany, India, Israel, and Japan.

Among those other states with some nuclear weapon potential, but whose resources are more limited so that it would take longer to develop sizable and sophisticated nuclear weapons and delivery systems, seven have not signed: Argentina, Brazil, Chile, Pakistan, South Africa, Spain, and Switzerland.

Nearly all of these countries support the principle of nonproliferation. Their decisions will be influenced by U.S. action on the treaty, by the actions of their neighbors, and by progress in controlling the arms race. Some have reservations concerning technical aspects of the treaty. India has indicated that it does not plan to sign. Brazil believes the treaty should not have prohibited national acquisition of nuclear explosives for peaceful purposes.

Question: What effect does NPT have on NATO relationships?

Answer: Our NATO allies were consulted at significant steps in the negotiation of the NPT. It is indicative of their support that 11 of those 14 allies have now signed the treaty.

Our NATO allies raised a number of questions about the treaty's effect. The following statements were developed to answer these concerns and they now form part of the legislative history of the treaty:

The treaty deals only with what is prohibited; not with what is permitted. . . . It does not deal with allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.

General Wheeler, at the July hearings, restated the U.S. principle that "any international agreement on the control of nuclear weapons must not operate to the disadvantage of the United States and our allies," and asserted that this principle has been observed.

Question: Why not permit proliferation of "purely defensive" nuclear weapons?

Answer: Section 92 of Atomic Energy Act of 1954, as amended, the successor to the McMahon Act of 1946, prohibits the transfer of atomic weapons in foreign commerce, in any form. NPT, therefore, merely confirms U.S. domestic legislation of 23 years.

Furthermore, at present there is no such thing as a "purely defensive" nuclear weapon. There is at present no fool-proof way of rigging nuclear weapons to fire only defensively. Therefore, defensive proliferation is potentially offensive proliferation.

Even if it becomes possible to design tamperproof systems which would prevent ABM warheads from being used offensively, the recipient could discover the technology of manufacturing offensive weapons by uncovering the secrets of defensive ABM warhead, for example by X-rays.

Even if technically possible to develop an ABM warhead so that recipients could not acquire design information through the use of X-rays, and so forth, there would be political and economic disadvantages in providing "purely defensive" weapons. We have no idea, for one, what something not yet developed is likely to cost, but it is clear the cost would be great. Secondly, could we assure the "purely defensive" weapons would be effective? Also, since the casing of the warhead would have to be "sealed" if tampering was to be avoided, the recipient which had invested vast sums of money would have no way of assuring that the warhead was properly maintained. In addition, it is difficult to foresee that a third country which might find itself threatened by one of its neighbors acquiring a nuclear potential, would accept at face value the assertion that the warhead was solely defensive in nature.

Question: Are International Atomic Energy Agency safeguards adequate?

Answer: During last July's hearings

there was a good deal of discussion as to whether the IAEA was in a position to fulfill its safeguard responsibilities under article III. General Wheeler stated that the Joint Chiefs of Staff believed the safeguards will be adequate for purposes of verification of the NPT. Deputy Defense Secretary Nitze agreed. AEC Chairman Seaborg stated that it is quite within the capability of the IAEA to take on the safeguards responsibility.

Some have criticized NPT for not having empowered IAEA to search for clandestine nuclear facilities. If such extensive police powers had been given IAEA, NPT would have become unacceptable to most non-nuclear-weapon states. A worldwide system of safeguards under NPT will have sufficient crosschecks and controls on the supply of nuclear material to give us a handle we do not have today with regard to problems of clandestine facilities. With NPT in force, interested countries will be very alert to undeclared or clandestine facilities and undoubtedly will use their intelligence resources. If indications of a clandestine facility were found, questions of violation would arise. We would then have numerous recourses available; use of Security Council, withdrawal under article X, and so forth.

Question: Do the "security assurances" contain a new commitment?

Answer: No. They merely reflect the basic concept underlying the Charter of the United Nations itself. In article 24 of the Charter, the U.N. members "confer on the Security Council primary responsibility for the maintenance of international peace and security." We have incurred no additional obligations beyond those implicit in our permanent membership on the Council.

The United States remains free to use its veto power in case a future resolution before the Security Council seems contrary to U.S. national interests. The question would only arise in the event of a grave situation which would have to be considered in light of all aspects of the situation at that time. Nothing in these security assurances binds the United States to a preconceived position regarding a hypothetical future situation. Our actions at the time would be based on our national interest as seen by the President in consultation with the leaders of Congress.

Question: Since not a new commitment, what is the importance of the Security Assurances Resolution?

Answer: It is reinforcement of the Security Council's capacity for dealing with a very serious problem. This reinforcement is made possible by an unprecedented measure of agreement and reflects significant common purpose among nuclear power NPT signatories.

It is unrealistic to expect an alliance-type specific commitment to the whole world. Also, the nonaligned nations might not want such a commitment since it could imply political commitment affecting their nonaligned status.

Mr. WILLIAMS of New Jersey. Mr. President, our debate on ratification of the Nuclear Nonproliferation Treaty poses a mighty question for all mankind. The question is simply this: Does man, the maker of mechanical marvels, have

the capacity to control that which he makes? Can humanity still write its own history, or will the frenzied tools of technology run away with the age?

It is not an idle question, particularly when applied to atomic energy. By 1985, plutonium byproducts from atomic powerplants will be sufficient to build 20 nuclear bombs a day. Twenty bombs a day, plus the weaponry in our 1,000 Minuteman sites, our 40 Polaris submarines and our 600 long-range bombers, is clearly enough machinery to render one error, one miscalculation, man's last error on earth.

The Kingston Trio had a verse in a song which began modern protest folk music. It went:

But we should be thankful and tranquil and proud; for man was endowed with a mushroom-shaped cloud; and we may be certain that some lucky day, someone will set the spark off, and we will all be blown away.

It could happen. If only one-fifth of our "ready" weapons were delivered on the Soviet Union, we would eliminate one-third of the Russian population and one-half its industry. All estimates place the Russian capacity to strike at the United States somewhere near this level; thus, the balance of terror is truly worldwide. In numbers of weapons, we possess nuclear armament sufficient to undo civilization.

These are the mathematics of madness.

Surely there is some hope that man can carry on his international affairs without recourse to the terrible machines of war. Surely there is enough courage left in the world to turn away from nuclear weapons and look instead to the economic and political devices of international relations.

American youth has told us that we must build a world free from the anxieties, frustrations, and injustices of war. Youth has told us that we are not free to sit complacently by while man perpetuates his inhumanity to man. Never before has the so-called establishment been as aware of a generation which cannot and will not blindly accept war's merciless penalties. It is our responsibility—the older generation, the establishment—to prove that we share youth's hope for a better world.

If there is such hope, then the Nuclear Nonproliferation Treaty is a mandatory step down the road to an eventual decrease in weaponry. In its present form, the treaty is a straightforward pledge to curb the spread of nuclear weapons to nonnuclear nations, while at the same time offering to share the peaceful uses of nuclear fission with those same countries. The treaty is an international agreement on the need to keep the peace, by limiting the availability of nuclear weapons whose very existence hang over our world like a gathering storm.

In addition, the joint signatures of the Soviet Union and the United States to this treaty would further induce each nonnuclear nation to become a signatory of the treaty. At the same time, such action would alleviate a great deal of pressure now felt by the various nations which feel they must now develop their own nuclear weaponry. Those nations

which suspect or know that their rivals have nuclear capability now feel the imperative to acquire similar capabilities. Suspicion could be replaced by the beginnings of mutual trust and assurance that neither nation would engage in the acquisition of nuclear weapons. This would be further reinforced by the mandatory submission of each nation's peaceful nuclear facilities to international inspection.

Does the Nonproliferation Treaty guarantee that there will be no nuclear war? We must all certainly wish that peace could be projected on a piece of paper, but unfortunately, such is not the case. Wars, and their elimination, are the province of proud and passionate men; and for the time, we can only hope that this treaty signals the beginning of a series of agreements which move mankind farther away from war.

We must admit to ourselves that many countries are so bound up in nationalism, factionalism, regionalism, and ideological conflict that they cannot objectively view the future, nor control the forces which sweep them along the crest of history.

It is time to face the sobering acknowledgement that there are some nations with a capability to create nuclear weapons, which are at swords point with other nations. Should they possess these weapons, and face military defeat, they might be tempted to resort to any extreme in order to survive.

We may use adjectives like "selfish" and "unthinking," but a value judgment, though it may be valid, is hardly useful after a bomb has been dropped and wiped out either a part of or all of mankind. We must be pragmatic. We have to deal with what is. Existence in our time will have to depend a great deal on seeing people as they are, not as they should be.

There have been men in high positions of authority who have sacrificed their own armies in the past, as well as the well-being of entire populations. We have every reason to fear that such men would be little interested in peace and survival of our entire world.

The time has come when these acrimonious crusades must end, and peace must be prized above all other of man's works. The world's governments can no longer afford the folly of spending almost \$200 billion a year for war and its weapons. The world's nations cannot continue to build for Armageddon, because no one will be left to witness it if it ever comes.

Unfortunately, the United States has led the madness in recent years; so much so that the very Soviet arms buildup we are trying to match has come about, in large measure, in reaction to what Russia sees us doing. Who knows, for example, what new handiwork will roll off the Russian and Chinese assembly lines if we rush to build a "thin" antiballistic-missile system? And who knows 10 years from now, what new weaponry we will have to develop to counter the latest Russian and Chinese devices?

No one knows. Only one thing is certain: if all these weapons are built, and given to all the nations of the world in the name of some insane brand of "security," we will never know true security

again—if we live to know anything again.

Our Department of Defense is a large, powerful organization. It is rich, largely due to inadequate investigation of its funds both by the budgetary people in the administration and the Congress. How is the Department of Defense to be made more accountable for their action and reaction? And secondly, to whom should they be responsible? Mistakes are costly, and are of particular concern when people pay their taxes. They concern us all, because our dollars might better be used to combat the crisis in the cities, improve conditions for our senior citizens, poor, disabled, and hungry. We should reflect on what it means for 90 percent of Federal research and development to be directed to military programs. \$20 billion is spent on the sciences while \$20 million is spent on the arts. Is science really 1000 times more important than the arts?

The U.S. Senate has the opportunity to write the answer to the mighty question of man's control over his machines. If we ratify this treaty, perhaps other negotiations on arms control will soon follow. If arms negotiations proceed, perhaps nations will begin to turn away from war's ugly hardware and turn instead to tools that build. Perhaps, in our lifetime, some of the barriers will be lowered, and some of the tensions eased.

The Nuclear Nonproliferation Treaty is one step toward relieving the insecurity which constantly haunts us. Other steps have been taken: In 1959, the Antarctic Treaty barred nuclear weapons from the Antarctic bases. The Test-Ban Treaty of 1963 prohibited nuclear explosions in the atmosphere, in the seas, and in outer space. The 1967 treaty governed the exploration and use of outer space. Now the Nonproliferation Treaty aims at preventing the spread of nuclear weapons.

The United States has signed this treaty. So have the Soviet Union and Great Britain, and 53 other states. The idea of negotiations for nonproliferation received the overwhelming support of this Senate, when we supported Senator Pastore's 1966 resolution on nonproliferation by a vote of 84 to 0. Nonproliferation is, and has been, bipartisan, international, multilateral, and high on the agenda of most peace-loving nations.

I am sure that there are those who would not like the United States to take the risk for peace. They would have us sit snug and secure, surrounded by missiles and loaded with enough warheads to set off the eclipse. They would even have us give these weapons to as many other nations as possible, so that they will be on our side if the shooting starts.

There will be no sides if the nuclear shooting starts. There will be only the empty roar of self-destruction, and the whimper of a ruined earth. No postures, no flexibility, no alternatives, no policy decisions, no mutual interests, no safeguards, no alliances, no obligations, no consultations. There will be nothing.

Last year, the Senate consented to the ratification by the President of 15 treaties, but it did not approve the one which the President called at the United

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Nations, "the most important international agreement in the field of disarmament since the nuclear age began."

The U.S. Senate has the chance to start down the road to world peace. Let history show that America gave this incredible decision not to kings, not to rulers, but to a legislature of common men: farmers, storekeepers, lawyers, workingmen who have the mandate to act for the common good.

Will we act for the common good? Will we finally see that the path of nuclear weaponry is the path to oblivion? I believe that we will, Mr. President, for in the end, I believe in man's triumph over his own machinery. We will ratify the Nuclear Nonproliferation Treaty because in the name of our children's dreams, we must not miss this chance at one more link in the chain of peace.

Mr. HOLLINGS. Mr. President, the intent of the Nuclear Nonproliferation Treaty is good, but the time for its ratification is bad. America's stand is for the sovereignty of nations, and the treaty expressly recognizes the territorial integrity of nations. Yet before it can be ratified, the Soviet has already violated the integrity of Czechoslovakia. This comes at a time when the Soviet is openly supporting aggression in Vietnam and the Middle East. Our NATO allies are wavering from the bonds of the alliance because they feel that they cannot rely on the United States to act in their defense. This treaty would forbid the supplying of nuclear weaponry to NATO. The treaty at this time takes on the hue of appeasement to the Soviet, while the Soviet is on the march. While the Soviet refuses inspection, both Presidents Johnson and Nixon announce that the United States will submit to inspection. We hail President Nixon's trip to repair fences with our European allies on the one hand, while we tear them down at home. If the Soviet would cool it in Europe, the Middle East, the Far East, if they would submit to inspection, then I could support this Nonproliferation Treaty. I believe that the Soviet should show good faith as provided in the treaty in negotiations and disarmament talks rather than the continued bad faith so evident. When this is done, it will be appropriate for the Senate to formally ratify.

Mr. TALMADGE. Mr. President, I have given considerable serious deliberation to the responsibility of my vote on ratification of the Nuclear Nonproliferation Treaty. I have decided to vote for ratification.

Although I am well aware of some of the weaknesses and uncertainties regarding this treaty, I have concluded that its actual good points outweigh its potentially bad ones.

I know that the treaty does not set forth adequate inspection safeguards. They are in fact vague and uncertain and even nonexistent. Under the treaty, it is the responsibility of the International Atomic Energy Agency to work out separate inspection agreements with each signatory nation. But we have no way of knowing at this time how safe these safeguards will be, or how effective.

Furthermore, we do not know at this time what happens if satisfactory inspection

agreements cannot be concluded. Nor do we know what enforcement provisions there will be if subsequent inspections reveal a secret violation.

These are only some of the aspects of this treaty that indicate that it rests in large part on the good faith of the parties concerned. I hope, and all the world hopes, that our trust will not be abused.

There are also practical questions about the effectiveness of the treaty. France and Communist China, both already nuclear powers, have indicated they do not intend to adhere to the treaty in the foreseeable future. There is also doubt that the so-called threshold countries, which can be expected to soon have technological nuclear capabilities, will sign the treaty, including West Germany, India, Israel, and Japan. However, these countries are not likely to be able to produce both effective nuclear weapons and reliable delivery systems without substantial assistance from either the Soviet Union or the United States. Thus, even without the signature of the threshold nations, the treaty would have the meritorious effect of making nuclear activity for them virtually impossible.

We have to also recognize the fact that the Soviet Union has a long record of violated treaties and broken promises. Communist actions of the past give the free world good reason to suspect that the Soviet Union will honor solemn international agreements only as long as it serves their national goals to do so. For this reason, there will have to be dependable inspection agreements with the signatory nations. These agreements must be reliable. They must be enforceable.

Mr. President, although I have raised some objections and doubts to the treaty, I am constrained to support this ratification. No responsible citizen—of the free world or of the Communist world—can fail to be horrified by the prospect of nuclear warfare. We must do everything possible to keep a nuclear holocaust from being triggered by the madness of a two-bit dictator of some small and unstable government. We need some kind of positive insurance that it will not be possible for this to happen in the immediate future or at any time in the distant future.

We all know that the danger of thermonuclear warfare increases in direct proportion to the number of nations that possess a destructive nuclear force. It is to the advantage of the Soviet Union as well as the United States to act now to restrict the spread of nuclear weapons. It is to the advantage of people everywhere to prevent a nuclear war in which all the world would lose.

If both the letter and the spirit of this treaty are strictly adhered to, then we will have taken an important step toward preserving nuclear sanity in a very troubled world.

We cannot expect too much of this treaty. But it can be regarded as an act of good faith, on our part and I hope on the part of all the signatory nations, particularly the Soviet Union, that will bring us closer to the strengthening and preservation of world peace.

Mr. FONG. Mr. President, the U.S. Senate is once again called on to give its advice and consent to a treaty that could potentially have a profound effect on the survival of mankind.

The principal provisions of the Treaty on the Nonproliferation of Nuclear Weapons may be summarized as follows:

First. Prohibit nuclear weapon states from transferring to any recipient nuclear weapons or other nuclear explosive devices or control over them;

Second. Prohibit nuclear weapon states from helping nonnuclear weapon nations to develop their own nuclear weapons or other nuclear explosive devices;

Third. Prohibit nonnuclear weapon states from receiving nuclear weapons or other nuclear explosive devices or from manufacturing their own;

Fourth. Provide for effective safeguards on the peaceful nuclear activities of nonnuclear weapon states to assure that no nuclear materials are diverted to nuclear weapons;

Fifth. Encourage cooperation between nuclear and nonnuclear weapon nations to insure that all will benefit from the peaceful uses of nuclear energy; and

Sixth. Affirm the responsibility of the nuclear weapon states to strive for effective measures to end the nuclear arms race and promote disarmament.

Ever since the Nonproliferation Treaty was signed on July 1, 1968, I have been reading and studying the statements and testimony of our country's leading diplomats, military leaders, civilian advisers, and concerned citizens.

I have scrutinized and examined with great care the extensive testimony that was given before the Joint Committee on Atomic Energy in 1966, and the Senate Foreign Relations Committee in 1968 and 1969. I am also well aware of the views of some members of the Senate Armed Services Committee, which examined the treaty in closed session this year. I have read and studied the statements of former President Johnson and President Nixon, and have followed the speeches made by my colleagues on the Senate floor.

I withheld final judgment on this issue until I had an opportunity to study and analyze closely all the evidence and all the views of our country's most knowledgeable persons. Because the ratification or rejection of this treaty could have considerable repercussions for the future of our Nation and our civilization, I wanted to be sure that when I cast my vote I would have considered and weighed all the possible arguments for and against the treaty.

In arriving at my decision I have been impelled by one overriding consideration, and one consideration only: Is this treaty in the best interests of America?

Many factors—security, diplomatic, military, political, historic, and others—are relevant in deciding what constituted the best interests of our country. After evaluating each of these factors, after weighing their relative importance and all the pros and cons, I concluded that ratification of the Treaty on the Nonproliferation of Nuclear Weapons is indeed in the best interests of our country.

For this reason, and for reasons which I shall subsequently outline, I shall vote for ratification.

HISTORICAL DEVELOPMENTS LEADING TO NUCLEAR NONPROLIFERATION TREATY

Mr. President, the first effort to bring the atom under effective international control took place in Washington, D.C., on November 15, 1945—at a time when the United States alone possessed a nuclear weapon. On that date the United States, the United Kingdom, and Canada declared their willingness to join with other nations in sharing, on a reciprocal basis, information on nuclear energy for peaceful purposes.

During that period, important proposals concerning the international control of nuclear energy were presented to the United Nations by Bernard Baruch—in 1946. The Baruch plan, as the American proposals came to be known, contemplated the establishment of an International Atomic Development Authority, whose functions would include the following:

First. Control or ownership of all nuclear energy activities potentially dangerous to world security;

Second. Control, inspection, and licensing of all other nuclear activities;

Third. Promotion of the beneficial energy; and

Fourth. Control of nuclear raw materials and primary nuclear production plants.

Under the Baruch plan, the manufacture of nuclear weapons would have ceased, all existing weapons would have been destroyed as weapons and the useful nuclear material transferred to the international agency for peaceful purposes.

This very generous offer by the United States, if accepted and universally adhered to, would have meant the removal of the threat of nuclear weapons at the very outset. It would have allowed all nations of the world to enter the nuclear age in a joint and peaceful endeavor.

Unfortunately, international experience with the atom was limited in 1946. No agreement was reached because, in large part, the Soviet Union refused to agree.

Although no international agreement was reached, the U.S. Congress enacted the McMahon Act of 1946, prohibiting the Government from proliferating nuclear weaponry know-how to any other country. The McMahon Act subsequently was incorporated in the Atomic Energy Act of 1954.

Thus, the United States unilaterally acted to prevent the spread of nuclear armaments, and has been in the forefront of this effort ever since that period.

ATOMS FOR PEACE

Mr. President, by the early 1950's it had become apparent that the United States no longer possessed a monopoly on nuclear technology, either for military or peaceful purposes. Several countries, especially the Soviet Union, had developed substantial nuclear programs of their own. However, these technological advancements were not accompanied by programs in the field of arms control or disarmament through negotiations with the United Nations.

The ominous consequences of an impasse on nuclear arms control led the Eisenhower administration to place a new and constructive proposal before the world. It was called the atoms for peace program, which was enacted by Congress in the Atomic Energy Act of 1954.

Under this atoms for peace program, the Atomic Energy Commission launched a significant research and development program devoted to the peaceful uses of nuclear energy.

The United States has provided many nations with nuclear reactors to be used for peaceful purposes.

As a part of this program, we developed a system of safeguards to insure that the reactors would not be used for the production of nuclear weapons. These safeguards consisted of a system of controls, including inspections, designed to inhibit or detect the diversion to military purposes of materials committed to the peaceful use of nuclear energy.

The second effort to bring the atom under effective international control came in 1956.

Recognizing that the maximum effect of safeguards could be achieved only if they were carried out by an international organization with broad political membership, we led the fight to establish the International Atomic Energy Agency—IAEA—as an agency of the United Nations. As a result of steady progress through the years, the IAEA now has in operation an effective safeguard system that is suitable for application to a wide variety of peaceful nuclear activities. This is the Agency that will be charged with the responsibility for safeguards under the Nonproliferation Treaty.

The third effort to control the atom came 7 years later, in 1963, after accelerated nuclear weapons competition and testing, with its accompanying nuclear fallout, had posed continuing and direct threats to international health and security.

In that year agreement finally was reached on the first major nuclear arms control measure—the Limited Nuclear Test Ban Treaty—a treaty which I strongly supported and which was ratified by an overwhelming margin.

That treaty has effectively slowed the development of nuclear weapons. But it has not halted it.

A fourth effort is now being made to bring the destructive power of the atom under additional international control—through the Nonproliferation Treaty. While the Limited Test Ban Treaty gave mankind a greater margin of security, the spread of nuclear weapons to additional countries could vastly enlarge the danger of a general nuclear holocaust. Adoption of the Nonproliferation Treaty, I believe, could significantly reduce the danger.

THE DEVELOPMENT OF AN IDEA

Former Secretary of State Dulles plainly explained the motivation behind American nonproliferation policy in 1957 when he said:

Already large nuclear weapons are so plentiful that their use in general war could threaten life anywhere on the globe. As matters are going the time will come when the pettiest and most irresponsible dictator

could get hold of weapons with which to threaten immense harm. . . .

The Eisenhower administration concluded that, since we did not propose to proliferate, our interests would be served by securing the following pledges: First, a promise from the Soviet Union to refrain from doing so; and, second, an agreement from nonnuclear powers not to acquire nuclear weapons from any source.

These two provisions form the backbone of the present Nonproliferation Treaty.

On June 15, 1965, the United Nations Disarmament Commission passed a resolution by an overwhelming vote—83 to 1 with 18 abstentions—urging that the Eighteen-Nation Disarmament Committee—ENDC—reconvene without delay and give priority attention to a treaty to prevent the further spread of nuclear weapons. The ENDC was an organization first convened at Geneva on March 14, 1962, and whose members were four Western allies—the United States, United Kingdom, Canada, and Italy—France, which is a member but has declined to participate; five Communist nations—U.S.S.R., Bulgaria, Czechoslovakia, Poland, and Rumania—and eight others—Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden, and the United Arab Republic.

On May 17, 1966, the Senate by unanimous vote—84 to 0—adopted Senate Resolution 179, commending the President's "serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons" and supporting additional efforts "in the interest of peace for the solution of nuclear proliferation problems." I cosponsored that resolution.

Intensive negotiations on a draft treaty began in early 1964 and continued for nearly 4 years at the ENDC. Then on March 11, 1968, the Cochairmen of the ENDC presented the draft to the U.N. General Assembly. After considerable debate in the Assembly, a final draft was presented by the United States and the Soviet Union on May 31. On June 12 a resolution commending the treaty draft was adopted by the General Assembly by a vote of 95 to 4, with 21 abstentions.

PROVISIONS OF THE NONPROLIFERATION TREATY

Mr. President, the treaty before us contains a preamble and 11 articles. The preamble is a general statement of the principles upon which the treaty is based. It declares that the spread of nuclear weapons would seriously enhance the danger of nuclear war, and that the benefits of peaceful applications of nuclear technology should be available to all parties to the treaty.

The essence of the Nonproliferation Treaty is found in articles I and II. In article I the nuclear powers are obliged not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly and not to assist, encourage, or induce any nonnuclear state to manufacture or acquire nuclear weapons.

Article II provides that the nonnuclear countries are obliged not to receive nuclear weapons or control over them.

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They are also forbidden from manufacturing nuclear weapons or receiving assistance in their manufacture.

Article III contains the inspection provisions. The nonnuclear powers agree to accept safeguards on all sources of fissionable material being used in peaceful nuclear activities in their territory with a view to verifying that the material is not being diverted to weapons.

Article IV reaffirms that all parties to the treaty have the right to develop, research, production, and use of nuclear energy for peaceful purpose.

Under article V each party undertakes to insure that the potential benefits from the peaceful applications of nuclear explosions will be made available to all signatories on a nondiscriminatory basis. The cost will be as low as possible and will exclude any charge for research and development.

Article VI imposes an obligation on the nuclear powers to pursue negotiations relating to the cessation of the nuclear arms race and to nuclear disarmament.

Article VII allows any group of states to "conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories."

Articles VIII, IX, X, and XI deal with the procedural aspects of the treaty—that is, amending, ratifying, and withdrawing.

U.N. SECURITY COUNCIL'S RESOLUTION ON SECURITY ASSURANCES

In addition to these provisions, a United Nations Security Council resolution must be considered in the light of the Nonproliferation Treaty.

During the course of negotiations on the treaty, several nonnuclear nations expressed the concern that if they signed the treaty—and thus renounced any right to acquire nuclear weapons—they would be defenseless against the threats or actual aggression by nations which did have nuclear weapons.

Because the treaty does not provide for such eventualities, the U.N. Security Council adopted a resolution on June 19, 1968 by a vote of 10 to 0, with the United States, the Soviet Union, and Britain voting for it. This resolution provides as follows:

* * * any state which commits aggression accompanied by use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

The United States, the United Kingdom, and the Soviet Union made separate but identical statements affirming their intention as permanent members to seek immediately Security Council action to provide assistance to any non-nuclear party to the treaty which was a victim of an act of aggression with nuclear weapons.

In its unanimous report, the Senate Foreign Relations Committee pointed out that it did not consider the Security Council Resolution as an integral part of the Nonproliferation Treaty; indeed, the Committee wished to make it "unmistakably clear" that support of the treaty "is in no way to be construed as approval

of the security guarantee measures embodied in the United Nations resolution or the supporting U.S. declaration."

Thus, while the Committee strongly affirmed its support of the Nonproliferation Treaty itself, it did not consider the U.N. resolution and the supporting U.S. declaration as establishing any new commitments on the part of the United States. In the event that the United States contemplates any action pursuant to the U.N. resolution and the supporting U.S. declaration "such action can only be taken with due regard to proper constitutional processes."

Mr. President, I support this position of the Foreign Relations Committee. I agree that the Constitution requires the advice and consent of the Senate before any action may be taken under the U.N. resolution.

As of March 11, 1969, 87 nations had signed the Nonproliferation Treaty, and ten had ratified it.

Mr. President, I ask unanimous consent that a list of the 87 signatories of the treaty, including the 10 which have ratified it, be included as a part of my remarks at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

HOW MUCH OF A DANGER IS THE PROLIFERATION OF NUCLEAR WEAPONS?

Mr. FONG. The Foreign Relations Committee, in its months of painstaking study, examined carefully the ominous threat of nuclear proliferation.

Five countries have nuclear weapons today: The United States, which exploded its first nuclear device on July 16, 1945, and had a monopoly for 4 years; the Soviet Union, whose first test was conducted August 29, 1949; Great Britain, which conducted its first explosion on October 3, 1952; France, which exploded its first nuclear device on February 13, 1960; and Communist China, which detonated its first nuclear device on October 16, 1964.

No other country has announced plans to produce atomic weapons, but the spread of advanced nuclear technology has made plain that the list could easily be tripled over the next 10 years. As former Secretary of Defense McNamara said:

... there are at least three nations today which if they decided to proceed to develop a nuclear weapon could detonate a nuclear device in from six to 18 or 24 months, and there will be many more in the future. I will say that within the next 10 years, 7 to 10 nations would fall into the category that I call threshold nations, meaning by that nations which have within their power, by applying their own technology and their own economic resources, the capability to develop nuclear weapons.

In the absence of a nonproliferation treaty many other countries would likely follow in close pursuit. In addition, there are more than 40 countries with nuclear reactors which produce as a by-product plutonium, a principal component of nuclear weapons.

The next few years will see the number of reactors and the amount of plutonium produced, around the world, increase

dramatically. A typical modern power reactor produces, in the neighborhood of one hundred kilograms of plutonium per year. Even nuclear reactors used only for research purposes can produce as much as 5 kilograms of plutonium a year.

Five to ten kilograms of plutonium is the estimated amount necessary for one atomic bomb. Eleven of the forty countries having nuclear reactors now have civil power reactors which can produce much larger quantities.

A memorandum from the Atomic Energy Commission has stated:

The resources necessary for the manufacture of a few rudimentary nuclear weapons are within the means of many nations. The essentials are a cadre of trained personnel, uranium, and an industrial base adequate to permit the construction of a nuclear reactor and auxiliary facilities large enough to provide the necessary quantities of plutonium. Thus many nations possess resources sufficient to undertake, without special outside assistance, to manufacture a few rudimentary nuclear weapons, given the national will to do so and the readiness, in some cases, to forego the benefits from the endeavors to which those resources might otherwise be applied. The time required would vary among the group of countries, and for those which have only the minimum resources, the time might be ten years or more.

At the upper end of the scale, highly industrialized nations, with substantial national income, large numbers of trained scientific, technical and managerial personnel and a reasonably available source of uranium could become capable of manufacturing a few rudimentary nuclear weapons.

Among those non-nuclear-weapon countries whose industrial economies are probably adequate to support a program for the manufacture of a sizeable number of reasonably sophisticated nuclear weapons and systems for their delivery, within five to ten years from a national decision to do so, are those such as Australia, Canada, the Federal Republic of Germany, India, Italy, Japan, and Sweden. Those states whose resources are somewhat more limited, and might therefore take somewhat longer to reach that level of numbers or types of weapons systems, could include Argentina, Austria, Belgium, Brazil, Chile, Czechoslovakia, Hungary, Israel, Netherlands, Pakistan, Poland, South Africa, Spain, Switzerland, United Arab Republic, and Yugoslavia.

Underlying the Nonproliferation Treaty is the premise that the larger the number of countries that possess nuclear weapons, the greater becomes the danger of nuclear war. The possibility of nuclear war beginning by accident or miscalculation will multiply with each addition to the current number of nuclear powers, particularly since few other nations will have the resources to devote to safety precautions such as those devised by our own country.

Moreover, with proliferation the danger increases that nuclear weapons will fall under the control of irresponsible persons or governments who might deliberately initiate a nuclear war without regard to its consequences.

As former Secretary of State Christian Herter has said:

The more nations that have the power to trigger off a nuclear war, the greater the chance that some nation might use this power in haste or blind folly.

In view of all these facts I have been citing, it would seem quite unreasonable to me that critics of the treaty would continue to argue that the dangers of the proliferation of nuclear weapons have been greatly exaggerated.

It is very clear to me that the facts speak otherwise.

CAN THE TREATY PREVENT THE SPREAD OF NUCLEAR WEAPONS?

Some opponents of the treaty feel that the spread of nuclear weapons is inevitable and will not be stopped by a nonproliferation treaty. They point to the fact that some of the nonnuclear powers who are most likely to build nuclear weapons have not signed and that until it is ratified by all the important non-nuclear weapon countries, the treaty will be meaningless.

In addition, two of the nuclear powers, France and Communist China, have indicated that they will not sign the treaty.

As one critic has written:

The . . . most important reason why the treaty can be expected to fail is that, for at least a few of the more important non-nuclear countries in the next ten years, the motivations for building these weapons are not going to be eliminated, reduced, sublimated, bought off, altered by ingenious argument, or provided for by other means. (David A. Robison, Learning to live with nuclear spread, Air Force and Space Digest, August, 1966; pp. 53-63.)

These shortcomings, the opponents contend, will render the treaty ineffective.

On the other hand, those in favor of the treaty believe that ratification is a step in the right direction. The treaty represents, first of all, a formal mutual commitment by the two nuclear giants not to distribute nuclear weapons or to assist other nations in manufacturing them.

Without the assistance of the two super nuclear powers, the achievement of a significant nuclear capability by any other country would be much more difficult. Proponents point out that cooperation between the United States and the Soviet Union has resulted in a large measure of agreement on a treaty.

While putting considerable pressure on the nonnuclear powers to become parties to the treaty, ratification would also relieve some of the pressures which would otherwise push nations to becoming nuclear powers.

For example, suspicion that one side may be acquiring nuclear weapons may make similar acquisition seem imperative to the other side.

Pressures to enhance status and prestige through the possession of nuclear weapons would also be reduced by the nonproliferation treaty.

Though the absence of signatures of some of the nuclear powers or powers-to-be undoubtedly would affect the effectiveness of the treaty, it would be only in degree. The main purpose of the treaty—to prevent the widespread proliferation of nuclear weapons—will still be preserved.

The 1963 Limited Nuclear Test Ban Treaty, to which neither Communist China nor France is a signatory, is considerably better than no treaty at all. So

also is the Nonproliferation Treaty, adhered to initially by the United States, the U.S.S.R., the United Kingdom, and by the principal nonnuclear countries—even without the signature of either Peking or Paris.

Despite the absence of Communist China and France, as a representative of Mexico at the ENDC has said:

Unless a radical change comes about in the international situation, either the nonproliferation treaty will be concluded with all its limitations and inevitable shortcomings, or all reasonable possibility of stopping the arms race and making progress towards general and complete disarmament will be removed forever. The nonproliferation treaty is only one step on the long road to disarmament. But it is a necessary step. If it is not taken, this road will not be travelled. And if it is not taken soon, within a short time this road will be closed. (Mr. J. Chastaneda, June 13, 1967, ENDC/PV 304, pp. 4-5)

THE EFFECT OF THE TREATY ON NATO

Some critics of the treaty claim that it will weaken the strength and durability of NATO. They feel that the treaty would inhibit the military growth of our allies and make them forever dependent on the nuclear capability of the United States, or, to a lesser extent, Britain and France.

These critics claim that many Europeans who favor a strong Atlantic Alliance would like to replace European military dependence on the United States with a true partnership based upon the interdependence of a powerful United Europe and a powerful United States. East-West agreement on nuclear nonproliferation would render the concept of interdependence meaningless.

Partnership, they argue, implies the creation of a European deterrent independent of the American deterrent, yet closely connected with it. The prospects for creating a European nuclear deterrent are now slim. A nonproliferation treaty might eliminate any future possibility of such a development.

Other opponents feel that the treaty will alter the strategic balance in Europe in favor of Russia and the Communist bloc nations. The prospect of a Western European nuclear deterrent will be decreased, but the military situation in Eastern Europe will not be affected at all.

In addition, they contend, the treaty can foster a false sense of security by lulling the West into forgetting the dangers of Soviet or Soviet-bloc aggression.

On the other hand, proponents view the treaty as furthering the ultimate objectives of NATO, which are to preserve peace and security. They argue that the achievement of these goals is not incompatible with those of the nonproliferation treaty.

Secretary of State Rogers, Secretary of Defense Laird, and Chairman of the Joint Chiefs of Staff, General Wheeler, testifying to the Foreign Relations Committee, have all reiterated the statements made by the previous administration that the treaty is consistent with the best interests of NATO.

They all agreed with former Secretary of State Rusk, who assured members of the Foreign Relations Committee:

The treaty does not, for example, affect the deployment of U.S.-owned and controlled nuclear weapons on the territory of our allies

and the existing arrangements under which those weapons are present. It does not affect the closest consultation in the Nuclear Committee of NATO on all of the problems of strategy and the decisions which have to be made in that field. It does not, of course, apply to a situation of war.

He further stated that this treaty will enhance the security of NATO because the members of NATO, too, have an interest in the nonproliferation of nuclear weapons.

Moreover, the treaty would not prohibit progress toward military integration in Western Europe that did not involve a transfer of nuclear weapons or control over them. Progress could be made, for example, on integrating conventional forces, establishing a common alert warning system, a common logistics system, further integration of communications, and air defense.

And the treaty does not prohibit a truly unified Europe from succeeding to the other nuclear assets of a former national component—such as Britain or France.

Another important point that proponents make is that the United States would not relinquish control over its nuclear weapons to a nonnuclear country, anyway—whether or not there was a Nonproliferation Treaty. This is because section 92 of the Atomic Energy Act already prohibits the transfer of nuclear weapons to another nation; thus, they say, the treaty does not prohibit the United States from doing anything that was not already prohibited by its own legislation.

It is true that this law can be amended or repealed by the Congress and the President. By ratifying the treaty, however, we will be forgoing the exercise of this option, and thereby forgo the possibility of assisting any of our allies to develop nuclear arms.

Nonetheless, as the Foreign Relations Committee report on the treaty points out, the possible future costs of renouncing this option are overshadowed by the major step the treaty takes in the direction of controlling the spread of nuclear weapons.

SHOULD THE TREATY BE RATIFIED NOW, IN VIEW OF THE INVASION OF CZECHOSLOVAKIA?

Critics of the treaty have also raised the question of timing. They argue that, in view of the Soviet Union's invasion and occupation of Czechoslovakia last August, this is not the time to ratify the treaty.

And if the Russians are so indifferent to their international obligations and so callous in disregarding world opinion, why should they respect the Nonproliferation Treaty?

Supporters of the treaty, on the other hand, have argued that while the Soviet actions are inexcusable and regrettable, the treaty is of such importance as a potential barrier to the further spread of nuclear weapons, that any additional delay would be unwise and inadvisable. Since both the Soviet Union and the United States find the treaty to their mutual advantage, both countries can be expected diligently to support and enforce its provisions. Further delay by the Senate will not penalize the Soviets for their invasion of Czechoslovakia so much

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as it will harm our own self-interest and that of the rest of the world in our race against time to prevent further nuclear proliferation.

Political scientists point out that treaties between sovereign governments are negotiated on the basis of mutual self-interest, not as rewards for good conduct or as evidence of good faith. There is wide agreement that there are a number of areas in which the interests of the United States and the Soviet Union coincide.

Examples of such areas of mutual self-interest are those embodied in the Limited Nuclear Test Ban Treaty, the Treaty on Outer Space, and now, the Treaty on the Nonproliferation of Nuclear Weapons. Each of these agreements either has built-in safeguards or is self-enforcing.

As a safeguard against unscrupulous parties to the Nonproliferation Treaty, article X provides a party the right to withdraw if it decides that extraordinary events, related to the subject matter of the treaty, have jeopardized its national interests. A withdrawing state must only give 3 months' notice to the other parties and the Security Council.

The Soviet Union will take any action necessary to insure its own security and interests. They demonstrated this in their invasion and occupation of Czechoslovakia.

By their active participation in negotiating, drafting, and then signing the Nonproliferation Treaty, Soviets have demonstrated that they deem the treaty to be in their self-interest.

The very same holds true for the United States, which also was in the forefront of consummating provisions of the treaty.

Neither superpower wants nuclear war; both are determined to do their utmost to avoid it.

As between themselves, they know that neither can attack the other without being itself destroyed. They do not want others to start nuclear conflicts, because they fear these would be likely to spread and involve the entire world—including themselves.

Thus, the interests of the nuclear powers and those of all other nations is the same: to avoid the horror of a nuclear conflagration.

HOW WOULD THE TREATY AFFECT PEACEFUL NUCLEAR TECHNOLOGY?

One of the major concerns of some of the nonnuclear nations is their fear that the treaty's provisions concerning peaceful nuclear technology will place them in a permanent position of inferiority in this area, as well as nuclear weapons technology.

But proponents of the treaty assert that the nonnuclear nations will benefit by these provisions: first, in that by foregoing the tremendous costs to research, develop, and manufacture nuclear weapons, the nonnuclear states will be able to devote more of their resources to and concentrate their efforts on the development of peaceful uses of nuclear energy; and second, in that the treaty will alleviate any fear that any exchange of information, material, and technology might be used for weapons purposes.

Some persons in this country have expressed the fear that the United States will undertake an open-ended commitment to all non-nuclear-weapons nations on a nondiscriminatory basis and at a charge as low as possible. They point out that this commitment suggests the United States would provide its services to any party, regardless of its relationship to this country, and without regard to the importance of these projects to American interests abroad.

These persons also have objected to the United States undertaking nuclear engineering projects throughout the world with the American taxpayer paying the major cost.

In testimony before the Foreign Relations Committee, Dr. Glenn Seaborg, Chairman of the Atomic Energy Commission, pointed out that the treaty does not contain any commitment on the part of the United States to support or provide peaceful nuclear technology or services indiscriminately to any nation. Only if it were deemed to be in the national interest would we do so.

Moreover, Dr. Seaborg pointed out that the American taxpayer will incur no greater expenses in the field of peaceful nuclear explosion services as a result of the treaty than he would without it. In fact, he said, we plan to make these services available on a commercial basis to the nonnuclear nations who are signatories to the treaty.

DOES THE TREATY PROVIDE FOR ADEQUATE INSPECTION?

American officials who negotiated the Nonproliferation Treaty look on its inspection provisions, embodied in article III, as a means of moving closer toward an objective for which the United States has long been working—the international inspection of all peaceful nuclear activities.

In each and every instance that the United States has furnished nuclear assistance to other countries to develop peaceful uses of the atom, we have insisted on a safeguards and inspection system as a precondition.

However, the United States no longer is the only country able to furnish such assistance; and as an increasing number of countries begin to sell reactors in the international market, the United States will no longer be able to assure that such nuclear materials will be under some kind of safeguards system.

Proponents contend that article III of the treaty will provide a method of getting all the peaceful nuclear activities of nonnuclear states under inspection, whether or not they receive American assistance; the treaty requires that all nonnuclear countries which become parties must agree to inspection arrangements under the IAEA, and they have 180 days to begin and 18 months to conclude negotiations of such arrangements.

The IAEA has already gained considerable experience in applying safeguards for the peaceful uses of nuclear energy, and U.S. officials believe it will be capable of carrying out the safeguards envisioned in the treaty—although its staff will have to be expanded to meet the added workload.

Basically these safeguards would con-

sist of periodic inspections by the IAEA to verify a nation's accounting of the quantity and location of all nuclear material being used or stored by it.

The development of the IAEA as an international body responsible for and capable of promoting and safeguarding the peaceful uses of atomic energy has long been an objective of American policy. The Agency originated as a result of the atoms-for-peace proposal made by President Eisenhower in 1953.

In recent years, the United States has begun to designate the IAEA to carry out inspection of nuclear assistance it has provided to some 30 countries under bilateral agreements. We have already relied to a great extent on the IAEA safeguards system. Thus, the IAEA is an on-going organization with substantial experience to build on.

The Agency has demonstrated that the techniques of international inspection are feasible, effective, and are not considered an invasion of national sovereignty.

Some critics have objected to the fact that while President Nixon has endorsed a commitment made by former President Johnson—to permit IAEA inspection of all nuclear activities in the country except those related to national security—the treaty does not require similar inspection in the Soviet Union. They contend that this is a concession to Russia.

Proponents reply that the treaty—which does not require inspection in any nuclear-weapon country which is a signatory, including the United States and the U.S.S.R.—is not a concession to the Soviet Union. The main objective of this treaty, they maintain, is to prevent non-nuclear weapon countries from acquiring nuclear weapons—not to limit the right or capacity of any present nuclear power to produce more nuclear weapons.

Inspection of the Soviet Union, then, is not necessary to the purpose of the treaty.

Another objection lodged by opponents of the treaty is that it does not spell out the inspection arrangements; they say that the pledge to conclude a safeguards arrangement leaves the inspection to be agreed upon vague and uncertain.

But those supporting the treaty point out that article III does indeed set standards for the safeguards to be applied—those set forth in the Statute of International Atomic Energy, and in the Agency's safeguards system.

Even with the successful application of inspection procedures by the IAEA on declared peaceful nuclear activities, critics contend that it would still be possible for a nation secretly to manufacture nuclear weapons. A nation intending secretly to produce nuclear arms could have some fissionable material hidden prior to the inauguration of the system; it could secretly build entirely separate facilities for nuclear arms production.

Such separate facilities could not be detected without general inspection of the entire country, and no feasible way has yet been found to detect hidden stockpiles of fissionable material.

The Foreign Relations Committee report takes the view that no inspection

system acceptable at the present time would be completely foolproof. But coupled with the observations and sources available to the diplomatic, military, commercial, and intelligence communities, the inspection system contemplated in the Nonproliferation Treaty would be adequate.

The main effectiveness of the treaty, according to the committee report, consists of the declaration of intention. If a nation wishes to become a nuclear power, it would either not sign the treaty or withdraw from it, rather than attempt to avoid it clandestinely.

To quote the report:

Admittedly, the implementation of the treaty raises uncertainties. The reliability and thereby the credibility of international safeguards systems is still to be determined. No completely satisfactory answer was given the committee on the effectiveness of the safeguards systems envisioned under the treaty. Moreover, the committee was not given a completely satisfactory answer as to what the signatory nations will do if the International Atomic Energy Agency fails to work out mutually satisfactory agreements with individual states or associations of States within the time prescribed by the treaty. The committee hopes that the optimism of the administration will be borne out and that successful agreements with the IAEA will be concluded without difficulty or delay. Nevertheless, the committee notes that the Euratom States have unanimously agreed that the treaty will only be ratified after a satisfactory verification agreement has been reached between Euratom and the IAEA.

The committee is fully aware of the potential problems in the safeguards field. But it is equally convinced that when the possible problems in reaching satisfactory safeguards agreements are carefully weighed against the potential for a worldwide mandatory safeguards system, the comparison argues strongly in favor of the present language of the treaty.

Mr. President, I am fully cognizant of the shortcomings of the safeguards provisions of the Nonproliferation Treaty.

But in weighing the problems inherent in article III as against the possibilities for the eventual formulation of a more effective and comprehensive safeguards system, I am inclined to go along with the committee.

THE NONPROLIFERATION TREATY IS ANOTHER TENTATIVE STEP TOWARD PEACE

Mr. President, the ultimate and guiding question to be asked, after thoroughly and carefully studying all of the pros and cons, all of the relevant factors, all of the limitations inherent in the treaty, is: Does the Treaty on the Nonproliferation of Nuclear Weapons serve the best interests of the United States of America?

After many months of careful analysis and review of all of these issues, I am satisfied that it does.

I have no illusions that the treaty is a panacea to all the problems of nuclear proliferation. It will not solve all the problems resulting from the wide prevalence of nuclear armaments.

It does not affect in any way the existing arsenals or the continued development and production of nuclear arms in the five nuclear powers.

Nor will it patch up American-Soviet differences, end the threat of Communist aggression, and usher in a new era of peace.

However, the weight of military and diplomatic authority, balancing the risks against the benefits to be gained from the treaty, does favor ratification.

During the course of the extensive hearings of the Committee on Foreign Relations, the Chairman of the Joint Chiefs of Staff, General Wheeler, was asked whether the view of the Joint Chiefs was fully considered while the treaty was being negotiated and drafted; he was asked whether the treaty fully protects our national security interests.

General Wheeler responded:

At the initiation of treaty discussions, the Joint Chiefs of Staff formulated certain principles relating to national security that should not be violated by such a treaty. First, we believe that any international agreement on the control of nuclear weapons must not operate to the disadvantage of the United States and our allies. Secondly, it must not disrupt any existing defense alliances in which the United States is pledged to assist in protecting the political independence and territorial integrity of other nations. These principles have been observed.

General Wheeler assured the committee that every proposal made by the Joint Chiefs affecting the treaty was adopted.

The Joint Chiefs of Staff, he testified, unanimously supported the treaty.

Our Nation's Commander in Chief, President Nixon, deems the treaty to be in the interest of the United States and has urged ratification.

Former President Johnson took a similar stand.

So have the Secretaries of State and Defense, both past and present.

I am quite fully aware of all of the uncertainties which have been thoroughly discussed in the many studies I have read and in the very complete hearing record compiled by the committee in the 3 years it has been investigating nuclear nonproliferation—in 1966, 1967, and 1969.

However, I am also fully cognizant of the fact that this treaty represents an extremely important development in our constant effort to resolve a dilemma—making available to all mankind the benefits of the peaceful uses of nuclear energy, while minimizing the risks of proliferating nuclear weapons.

The coming decade is likely to be a crucial one in determining whether or not nuclear weapons will spread uncontrollably beyond the borders of the present five nuclear powers.

The acquisition of nuclear armaments by additional countries would seriously hinder the efforts of the United States, through the United Nations and in concert with many other countries, to begin to establish a stable and enduring world peace.

Without a doubt, the uncontrolled proliferation of nuclear weaponry would make local conflicts far greater threats to igniting a spark that would lead to a worldwide conflagration.

Amid the tensions, the strife, the struggle, and the sorrow of the tense and trying nuclear age, the Nonproliferation Treaty represents, to me, strong evidence that men of many nations have not lost their hopes that a faint beginning can

now be made to control the power of the atom.

It is my hope that, with patience, perseverance, and the knowledge that we are acting for the very survival of mankind, we will continue to pursue the long, hard road of stemming the tide of nuclear proliferation, as the first tentative step to more remote goals—negotiating effective, worldwide arms limitation and control—and possibly, even disarmament.

Although this treaty is not a cure-all, it is in a sense an experiment in trust, another faint step toward the easing of tensions and perhaps the improvement of relations between the world's two superpowers.

I support the treaty because it lays a significant foundation for expanded cooperation between the United States and the Soviet Union in the peaceful application of nuclear energy—and possibly for additional measure to halt the nuclear arms race.

I support the treaty at this time because it would bolster the Nixon administration's policy of negotiation, rather than confrontation, with the Soviet Union.

I support the treaty because, on balance, it is good for my country, good for the world, and good for all mankind.

I urge my colleagues to ratify the treaty.

EXHIBIT 1

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS OPENED FOR SIGNATURE AT WASHINGTON, LONDON, AND MOSCOW ON JULY 1, 1968

1. Afghanistan.
2. Austria.
3. Barbados.
4. Belgium.
5. Bolivia.
6. Botswana.
7. Bulgaria.
8. Cameroon (ratification deposited January 8, 1969).
9. Canada (ratification deposited January 8, 1969).
10. Ceylon.
11. Chad.
12. Republic of China.
13. Colombia.
14. Congo (Kinshasa).
15. Costa Rica.
16. Cyprus.
17. Czechoslovakia.
18. Dahomey.
19. Denmark (ratification deposited January 3, 1969).
20. Dominican Republic.
21. Ecuador (ratification deposited January 10, 1969).
22. El Salvador.
23. Ethiopia.
24. Finland (ratification deposited February 5, 1969).
25. Gambia.
26. Ghana.
27. Greece.
28. Guatemala.
29. Haiti.
30. Honduras.
31. Hungary.
32. Iceland.
33. Iran.
34. Iraq.
35. Ireland (ratification deposited July 1, 1968).
36. Italy.
37. Ivory Coast.
38. Jordan.
39. Kenya.

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40. Republic of Korea.
41. Kuwait.
42. Laos.
43. Lebanon.
44. Lesotho.
45. Liberia.
46. Libya.
47. Luxembourg.
48. Malagasy Republic.
49. Malaysia.
50. Maldives Islands.
51. Mauritius.
52. Mexico (ratification deposited January 21, 1969).
53. Mongolia.
54. Morocco.
55. Nepal.
56. Netherlands.
57. New Zealand.
58. Nicaragua.
59. Nigeria (ratification deposited October 7, 1968).
60. Norway (ratification deposited February 5, 1969).
61. Panama.
62. Paraguay.
63. Peru.
64. Philippines.
65. Poland.
66. Romania.
67. San Marino.
68. Senegal.
69. Somali Republic.
70. South Yemen.
71. Sudan.
72. Sweden.
73. Syria.
74. Togo.
75. Trinidad and Tobago.
76. Turkey.
77. Tunisia.
78. U.S.S.R.
79. United Arab Republic.
80. United Kingdom (ratification deposited November 27, 1968).
81. United States of America.
82. Upper Volta.
83. Uruguay.
84. Venezuela.
85. Viet Nam.
86. Yemen Arab Republic.
87. Yugoslavia.

Mr. McGEE. Mr. President, ratification of the Nuclear Nonproliferation Treaty is overdue. We should have taken this step last autumn, though we did not for reasons entangled in the politics of 1968. We should be anxious to put the stamp of Senate ratification upon this document, for the Senate itself encouraged the negotiations which produced the treaty.

Some scoffers say that the treaty does not amount to much. Perhaps not, Mr. President, but in a world which can only contemplate with dread the further spread of nuclear armaments, every little bit helps. We need all the psychology of peace we can get, if, indeed, this treaty is but a psychological step, as some would have it. In my opinion, it has greater significance than that.

Clearly, the treaty is consistent with America's national interests. It does nothing to hamper our defense. Not one single bomb will be scrapped because of this treaty. It does not prevent deployment of additional weapons. And it does not become operative until ratified by the Soviet Union.

What it would do is prevent nuclear weapons from being put into the hands of additional nations. Unhappily, it has not been signed by either France or Communist China, nor by other impor-

tant powers now lacking nuclear capability. We can regret this fact, but it should not blind us to the necessity of taking what steps we can toward imposing some limitations on the possibility of nuclear holocaust. This treaty, after all, has been signed by the United States, by the U.S.S.R., by Great Britain, and by 90 other world powers, large and small. It goes far toward establishing what we might call a world consensus in favor of limiting nuclear weaponry.

As a practical matter, we in the United States have had no intention of sharing nuclear weapons. Our laws, in fact, forbid it. I doubt that Russia, either, has ever dreamed of handing nuclear weapons over to smaller powers. So the practical effect may be small. But it is formal. Lest there be fears that nuclear weapons might be developed by a non-nuclear signatory under the guise of peaceful projects, the treaty's safeguards provide for international inspection—in itself another breakthrough we can hope will be developed and expanded in years ahead.

Finally, Mr. President, the treaty commits us as a nation to talks, in good faith, aimed at calling a halt to the nuclear arms race. Progress in this area is painstakingly slow. It is complicated by mutual distrust and by hostilities growing out of the continued international turmoil that confronts us, as in Vietnam. But the treaty does contain an operative article—article VI—by which the powers agree to pursue cessation of the nuclear arms race "at an early date."

That date—we cannot kid ourselves—is probably going to be late instead of early. But it will be, when it comes, an alleluia day for all mankind—when all can breathe easier in the knowledge that the greatest force man's intelligence has loosed can at last be directed away from death and destruction and that vast energy put to work for his benefit. Many more steps will be necessary before that great date dawns, but the Nuclear Nonproliferation Treaty is one step. It follows the Limited Test-Ban Treaty of 5 years ago, which was a first step. If we are to achieve the shackling of these arms that could lead all nations to ruin, we will have to do it one step at a time.

Though the effect of this treaty may be limited, let it not be said that we failed to take every opportunity afforded to move in the path of sanity. Let us ratify this treaty now. It is already overdue.

Mr. SPONG. Mr. President, the Nuclear Nonproliferation Treaty will neither save us nor destroy us. It is neither the panacea many of its proponents proclaim nor the dragon many of its opponents deplore.

With it we will not necessarily be guaranteed safety from nuclear holocaust nor lulled into a false security which will permit our enemies to deceive us. And, without it, we would not necessarily be lured into nuclear destruction or saved from it.

In the final analysis there was one principle question to be answered with regard to the treaty: is this treaty better than no treaty at all. After a review of the hearings and other relevant back-

ground information, I have concluded that it is.

The specter of nuclear warfare is a horrible one to contemplate. Any appropriate action which can be taken to limit the possibility of such war should be taken. We must do what we can to prevent a disaster, and this treaty might help preclude one.

In the aftermath of the Soviet invasion of Czechoslovakia, I felt that ratification of the treaty should be delayed as an indication of U.S. disapproval of the invasion. Time has, however, passed and the good the treaty may accomplish should not be sacrificed simply to signify protest.

I am concerned about the failure of Red China and France to sign the treaty. Certainly its effectiveness is lessened by the fact that two of the five nuclear nations do not desire to participate in this endeavor.

I have also questioned the inspection and safeguards provision. It can undoubtedly be argued that these provisions are extremely vague, yet they are the best provisions we can obtain at this time and they are a step in the direction we must take if nuclear weaponry is to be controlled.

Finally, I have had some reservations about the treaty and its effect on our allies in the North Atlantic Treaty Organization, especially West Germany. Fortunately, I was able to resolve most of the doubts concerning the relationship of the treaty to NATO in a colloquy earlier this week with the able chairman of the Senate Foreign Relations Committee.

Certainly not all the questions which could be raised over the treaty have been fully answered. They probably could not be. We should, however, utilize the means available to us for preserving and advancing our Nation's security in a nuclear age and for meeting our responsibilities as a world leader. The Nuclear Nonproliferation Treaty, for all its imperfections and omissions, can help serve both these ends. Accordingly, I am voting to ratify the treaty.

Mr. CURTIS. Mr. President, I fully support the objectives of the Nuclear Nonproliferation Treaty. It would be an extremely dangerous world if 10, 20, or 50 countries had nuclear weapons. With each additional country possessing nuclear weapons, the possibility of nuclear war increases. A nuclear missile launched by accident, by an irrational man, or even by a desperate nation about to be defeated, might set off a chain reaction which could end civilization as we know it today.

I understand these dangers, and I have reviewed the Nonproliferation Treaty—NPT—and the U.S. unilateral pledge to permit "all" peaceful nuclear activities to be under international safeguards. After studying the issues, I have come to the conclusion that I cannot support the Nonproliferation Treaty, and I expect to cast my vote against it.

What has emerged from more than 4 years of negotiations is a weak, vague, and ambiguous instrument open for con-

tention and subject to misuse. Shakespeare once wrote:

Some rise by sin and some by virtue fall.

I believe that by being excessively virtuous in trying to obtain an NPT at any price our negotiators have left the door open for others to take advantage of us.

On October 12, 1968, at the close of the congressional session, I spoke of taking a hard look at the nuclear NPT. At that time I concluded:

The purpose of the treaty is admirable but regrettably I believe in our great enthusiasm to conclude this treaty we have lost sight of the true purpose of our Communist adversaries. They drive a harder bargain, I am afraid, than we do. The Soviet Union will not be inspected under the Nonproliferation Treaty. By separate position outside the Nonproliferation Treaty we will. We have stressed vague security assurances and thus placed ourselves in the position of either becoming the policeman of the world or backing away from implied commitments. Either course I believe is wrong. I suggest that we take a new hard look at the Nonproliferation Treaty.

I find that very little has occurred to change my pessimistic view. In regard to security assurances, the report of the Committee on Foreign Relations, printed March 6, 1969, illustrates the ambiguity of our position concerning the providing of security assurances to nonnuclear nations. The report states in part:

The committee is constrained to point out that, in its view, this United Nations resolution and its accompanying declaration [to suppress aggression] in no way involve a ratification or prior commitments or establish new commitments.

However, four paragraphs later the report says:

It now appears that the United States is honor bound to follow a definite if limited course of action if a nonnuclear weapon state declares that it is a victim of nuclear aggression or the threat of such aggression.

No wonder our allies and our friends are confused, particularly when on page 5 of this report they find that the treaty is not "discriminatory."

The Foreign Relations Committee report points out that General Wheeler, Chairman of the Joint Chiefs of Staff, stated that the NPT does not operate to the disadvantage of the United States or its allies. Elsewhere, the report states:

In order to give effect to Article VI, the committee believes that the administration should consider deferring the deployment of these [offensive and defensive] weapons until it has had time to make an earnest effort to pursue meaningful discussions with the Soviet Union.

There are Senators—perhaps a majority—who feel that delaying the development and deployment of a U.S. antiballistic-missile system—in light of the fact that the Soviet Union has already deployed one and possibly two ABM systems—would be disadvantageous to our national interest.

I now turn to article III, concerning safeguards. In this connection, the Foreign Relations Committee report appears to be less than lucid. It says:

To stimulate nuclear autarky by a rigid application of the very means designed to encourage international cooperation in the nuclear field is obviously not the intent of the Nonproliferation Treaty. (Page 17.)

Neither does the treaty require that preferences be given to signatory non-nuclear states. (Page 17.)

As a practical matter, however, it is the view of the committee that the nuclear powers should be most reluctant to treat non-signatory states on the same basis as signatory states, despite the fact that the treaty does not prohibit such action. (Pages 17 and 18.)

It is the view of the committee, therefore, that the application of Article III should be handled with a carefully considered appreciation of what will encourage states to adhere and what will encourage them to abstain. (Page 18.)

Concerning article III, the report also states:

Administration witnesses took the position that nuclear weapon states party to the treaty would be subject to an undertaking not to provide nuclear material to any non-nuclear weapon state for peaceful purposes unless the material was subject to safeguards resulting from an agreement with the IAEA. The United States was confident that no such situation would develop, according to the testimony before the committee. It was left unclear, however, how the United States would react if such a situation did develop. (Emphasis added.)

Does it mean that unless Israel signs the Nonproliferation Treaty we will cut off peaceful nuclear shipments to Israel?

Does it mean that if Israel signs the Nonproliferation Treaty that representatives from Communist nations or Arab countries will have freedom to inspect any or all of its nuclear facilities?

These ambiguities concern me greatly. But of utmost importance is the unilateral arrangement entered into as a result of President Johnson's pledge of December 2, 1967, which was reaffirmed by President Nixon on February 5, 1969. This pledge states:

When such safeguards are applied under the Treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, excluding only those with direct national security significance.

In this connection I would like to pay tribute to the wisdom and judgment of the distinguished Senator from Vermont (Mr. Aiken), who displayed his usual broad understanding of foreign affairs when he wrote to the Secretary of State concerning this U.S. unilateral offer and its ramifications.

The implications of what Senator Aiken uncovered are truly momentous. Senator Aiken asked as his first question:

What authority does the United States Government have to require private companies in the United States to accept foreign inspection of their plants?

The answer was as follows:

It is our intention in making this offer to rely upon the voluntary cooperation of the U.S. nuclear industry in implementing it. Our consultations with them, prior to making the offer, have given us confidence that this cooperation will be forthcoming. However, if it becomes necessary in any instance to rely on the regulatory powers of the U.S. Atomic Energy Commission to require the participation in the inspection system by specific companies, the Attorney General would have to determine the extent to which the Commission's current authority would permit it to require a licensee to open his

facility to inspection by an organization other than the Commission or other U.S. agencies.

What this says is shocking to me. The United States will initially rely on the voluntary cooperation of private industry. If this fails, the U.S. Government may rely on the regulatory powers of the AEC and perhaps go to the Attorney General to require licensees to open their facilities to foreign inspection. Put in plain language, this means that foreign nationals, including representatives of communist countries, are going to inspect U.S. private industry plants regardless of whether the plant owner likes it or not; and if he dislikes it, the U.S. Government will bring pressure to force him to acquiesce. I think this is one of the most undemocratic situations I have ever seen. If I had suggested to the American public 10 or 20 years ago that the U.S. Government was advocating, on a unilateral basis, without even being required to do so, that American industry open its doors to possible communist inspection, I am sure that no Senator would have taken me seriously. So that no one is confused, Senator Aiken points out that a Yugoslav national has already inspected the Yankee nuclear reactor at Rowe, Mass., and a Romanian national has attended the AEC safeguards school at Argonne National Laboratory outside of Chicago.

How far—how dangerously far—we have come down the road of sacrificing our national interest to the siren cries of internationalism at its worst.

To compound this situation the United States is paying almost one-third of the cost of the foreign inspections which we are not required to have. This payment is made directly to the International Atomic Energy Agency in Vienna.

I hope that all Senators will look carefully before they approve this treaty. I hope that all Members will particularly review the implications of the unilateral commitment that the U.S. Government has undertaken—and which, of course, the Russians have not.

In my speech concerning the Nonproliferation Treaty made in the Senate on last October 12, I pointed out that neither Red China nor France has had any part of this treaty. Soviet Russia is a party to the treaty but by its terms. The Soviets are exempt from inspection. The United States will be subject to a most unusual system of inspection.

I cannot forget that on October 18, 1964, President Lyndon Johnson said:

The nations that do not seek national nuclear weapons can be sure that if they need our strong support against some threat of nuclear blackmail, then they will have it.

Will the nations of the world rely upon Mr. Johnson's promise?

Were the small nonnuclear countries relying upon Mr. Johnson's promise when they became parties to the treaty?

To what future wars might this course of action commit the United States?

THE SENATE SHOULD CONSENT TO THE NON-PROLIFERATION TREATY FOR THE WELFARE OF US ALL

Mr. YARBOROUGH, Mr. President, the great powers have devoted tens of

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billions of dollars to the development of nuclear weapons systems, but we have devoted almost nothing to international control of them. After World War II, the United States did make it our national policy not to distribute these weapons to other countries.

The purpose of the treaty we have before us is to elevate our national policy to international status and to gain for our policy adherence of those other nations of the world which will become parties to this treaty.

The ratifying nations possessing nuclear weapons pledge not to give them to others. Of the five nuclear powers, China and probably France will not join the treaty in the foreseeable future. Even so, the two leading powers—the United States and the Soviet Union—are parties to the treaty and are also the major potential sources of nuclear weapons. Even without China and France as parties, this Nation and the world are better off by having the two major powers publicly agree to keep their nuclear weapons under their own control.

The treaty does not deal with deployment of nuclear weapons in the territory of other nations. Our weapons stored abroad are in no way affected as long as these devices remain under our jurisdiction and command and continue to remain so. The same will apply to the Soviet Union.

The treaty does not affect delivery systems—chiefly missiles. All signatories may do as they wish with regard to giving or making available missile systems to other countries as long as no transfer of nuclear warheads is involved or results.

In short, this treaty in no way affects or limits our capacity to defend ourselves, even if such defense includes placing warheads under our control overseas. This treaty merely binds us not to share the control over these weapons with other nations.

It will be seen that this treaty is a frail limitation indeed on the capacity of the nations of the world to lay waste to all the earth. The nuclear powers have on hand, thousands of weapons, each with many times the destructive force of the Hiroshima bomb; they also have an ingenious variety of means for delivering them throughout the world.

A limitation on the spread of these weapons to other countries is in the national interest of the United States. It deserves to be furthered by means of ratification of this treaty.

We are the world leaders in the manufacture of nuclear weapons. We ought to be the leaders in this world in efforts to prevent their widespread diffusion and use. We have developed this monster; we owe it to mankind to be the leader in chaining it.

NATIONAL SECURITY IS THE ISSUE

Mr. FANNIN. Mr. President, I have listened to the debate surrounding this treaty which is before us and I have read the record with great interest. In addition, I have done research on my own to try to discover other aspects of the question which may not have been previously developed.

It seems to me that both the Nuclear Nonproliferation Treaty and the ques-

tion of the antiballistic-missile system are related because the national security is at stake.

May I make it clear that I do not claim to be an expert on either foreign affairs or defense technology. Perhaps this is somewhat of an advantage because I can speak from the standpoint of a layman and perhaps voice some of the questions arising in the minds of Americans across the Nation.

One of the basic questions, it seems to me, is if we sign this treaty what do we get? How does this agreement improve our national security?

All too often in the past we have apparently been willing to give away a great deal more than we get when it comes to international negotiations.

At the very least it seems the advantages we supposedly will receive under this treaty are in some doubt; particularly, when two nuclear powers have indicated they do not intend to join this treaty. I refer, of course, to France and Red China. My question is how an agreement of the latitude which we are presently proposing will prevent nonproliferation when at least two members of nuclear community are simply not concerned with it.

Second, it seems inconsistent to me to argue on the one hand that America can no longer afford to police the world while at the same time enter into an agreement, which by every explanation I have read, commits us to additional policing responsibilities.

For instance, if we had signed this treaty last year, and if Russia had also signed the treaty along with its satellite state, Czechoslovakia—when Russia invaded Czechoslovakia—would we have been obligated to go to the defense of Czechoslovakia?

If we sign this treaty what will happen if Russia decides to invade Romania? Will be obligated to go to the defense of that iron curtain country? It seems to me quite inconsistent for some of my colleagues to argue as they have on both sides of this question. Certainly no one can question any Senator's desire for peace and tranquility.

No one wants to see a multiplication of nuclear weapons but if we are going to enter into an agreement, we must be sure there are adequate safeguards to make it effective.

That brings me to my next point. I cannot see that there are any safeguards in this treaty. Those nations which desire to secure fissionable material for peaceful or domestic purposes, could under the proposed mechanism of this treaty, convert that material to nuclear weapons. So, I cannot see the treaty as an effective instrument. In fact, it very well may accomplish the opposite by allowing nations which do not have the capability of producing nuclear materials to get those materials under this agreement.

The whole question of national security comes to mind as we discuss this problem. The loud and long criticism of the ABM system comes to mind. I think of all the arguments that seem irrelevant, the one concerning cost seems to me to be the most irrelevant. If this system is needed for national survival it is needed no matter what the cost.

The cost of the system has been compared with the national debt. I would like to point out that a large portion of the national debt was incurred during World War II. Does anyone say that winning World War II was not worth that money? What would this country be if we had not won the war?

This is the basic fear which I feel arises in the hearts of the American people when we discuss these issues. It is pure folly in my opinion to talk about programs to benefit the poor if we neglect the very program which would allow the country to continue to exist. Mr. President, it is my intention to support continued research, development, and if necessary, deployment of the Sentinel system if the situation is as I understand it to be. I also broaden this to include any other recommendations which the President makes in support of our national security.

Even though there has been continued and significant disagreement in the scientific community over the feasibility and cost of the Sentinel system, I am not particularly impressed when I find agreement between three witnesses called at the request of a committee chairman whose opinion and position on the question is already well known. No one doubts that the preponderance of evidence in such a hearing is bound to be weighted in favor of the chairman's opinion. He controls the witness list, the time of the hearings, and to a large degree, the direction of the questioning. All this must be taken into account in considering the "body of evidence" which is developed.

Certainly no one wants to spend any money—not one penny—on a system which is not effective. On the other hand, I think the vast majority of Americans would be willing to spend any amount of money when they are convinced it is essential to the defense and maintenance of our great country. So, the question resolves down to what is essential and what is not. This is the same question which applies to the Nuclear Nonproliferation Treaty as well as the ABM system. There are hosts of unanswered questions in both of these areas. I think there are great uncertainties in the minds of the American people over the actions we are proposing.

When we look at the Russian record of abiding by treaty agreements, we find a string of broken and mangled promises. Although much has been made of a Soviet willingness not to continue the arms race, the hard fact must be faced that Russia has given absolutely no concrete evidence of either their willingness or their intention to follow such a course if we pull out. In ratifying this treaty I think we are kidding ourselves and furthermore deceiving the populace into thinking we have accomplished something in the way of nuclear weaponry control when we actually have done nothing of the kind.

Mr. President, I think the best interests of the Nation are served and the national security best preserved if we do not ratify this treaty. I shall vote against it.

Mr. THURMOND. Mr. President, first, the Soviet Union acquires a significant

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military strategic advantage; namely, continued assurance that Germany will be subjected to second-class status for 25 years or more. We are giving up an opportunity for a strong and independent ally for one which will be forever dependent upon us. The Soviets also gain a significant political advantage in that for the first time, Germany would be integrated into a treaty structure with the U.S.S.R. and open to harassment and propaganda pressures.

Second. The Soviet Union loses nothing if its satellite countries are subjected to controls. None of its satellites have the potential for significant production of fissionable materials or explosive devices. After the experience of Czechoslovakia and Red China, the Soviets probably would not arm any of their satellites with nuclear weapons anyway. As it is, we do not know the control arrangements over the Warsaw Pact ICBMs aimed at Western Europe. We do know that the command structure of the Warsaw Pact forces goes directly to Moscow. NATO countries are sovereign, but Warsaw Pact countries are subject to Soviet domination, as the invasion of Czechoslovakia demonstrated. Nonnuclear NATO countries give up the sovereign right of self-defense, but the nonsovereign Warsaw Pact countries have nothing to give up.

Third. The invasion of Czechoslovakia demonstrated that a fundamental change has come over Central Europe. Before August 21, many people tended to think that Soviet domination of the satellites was a myth or at worst was weakening. However, under the so-called Brezhnev doctrine, the Soviets explicitly claim the right to intervene whenever the future of communism is threatened in the so-called socialist commonwealth of nations. The withdrawal of some or even all Soviet troops from Czechoslovakia has no effect upon the assertion of this right. In fact, the troop withdrawal indicates that the internal security of the country has been guaranteed. The Ministry of the Interior, including the interior police, is firmly in the hands of pro-Soviet officials.

Fourth. Although the debate about the Nonproliferation Treaty usually centers on strategic missile systems, and the great cost of the delivery vehicles, the Nonproliferation Treaty also outlaws tactical nuclear field weapons. A modern army must have such weapons, and the control over their use, if it is to be a match for the Warsaw Pact forces. The development of such weapons is feasible by many present nonnuclear allies, and there is no sound military or economic reason why they should not do so. In fact, we may someday wish to alter our laws to assist them in such development. The Nonproliferation Treaty forecloses this option. It requires our allies to remain dependent upon NATO sharing arrangements for the next 25 years. If we go back 25 years to 1944 and visualize the state of the art of weaponry then—before even the first atomic bomb had been dropped—and then compare that state with the present, we would be able to realize the positions of our allies who will be shutting themselves off from modern weapons.

Fifth. In addition, as Dr. Teller has pointed out, it will soon be technically feasible to construct missiles which can

only be used defensively. This would be a way of strengthening our allies and increasing their confidence and morale. We would have to change our laws to do this, but we will not be able to do so if we ratify the Nonproliferation Treaty.

Sixth. Again, no one can confidently predict the future of nuclear research in the next 25 years, just as the past 25 would have been difficult to plot. The Nonproliferation Treaty is based upon current assumptions about nuclear explosives and the need for fissionable material to produce them. I am informed that a whole new direction may open up in the field of fusion rather than fission. Fusion theory may produce the so-called neutron bomb. Fission bombs produce about 85 percent heat and blast and 15 percent radiation, while the fusion process, if ever perfected, would produce the opposite proportions, destroying property. A breakthrough in fusion research would have profound military significance but also many peaceful uses. Such peaceful research on fusion is already well advanced in Italy and in the Soviet Union. Those of our allies who are non-nuclear-weapon states under terms of the safeguards on fissionable materials would have to give up their work on fusion explosives.

Mr. President, I ask unanimous consent that the article entitled "The Nonproliferation Treaty and Fission Free Research," by William R. Van Cleave, *Orbis*, winter 1968, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Seventh, Mr. President, the proponents of this treaty have stated that the advantages for the United States and the Soviet Union are mutual. That statement holds true only if you consider the alleged benefits of the treaty in stopping the proliferation of nuclear weapons. If you look at the two countries not in isolation but in the structure of the opposing alliances, as I have already pointed out, the Soviets gain a significant goal in the subjugation of West Germany as a second-class nuclear power. However, there are other areas the Soviets appear to have the advantage:

In a collateral action, the United States has opened its peaceful nuclear installations to IAEA inspection. The Soviets have made no such voluntary gesture.

The former head of the IAEA, Mr. William C. Foster, made a formal statement of principles to the nonnuclear nations of the world that the nuclear states would supply explosion service to the nonnuclear countries on a cost basis. This offer carried the implication that the United States was ready to provide such service. The Soviets have never made so direct a commitment. The Soviets have only accepted the vague wording of article V which says only that—

Each party to the treaty—

And this applies to both nuclear and nonnuclear states—

Each party to the treaty undertakes to take appropriate measures to ensure that through appropriate international proce-

dures . . . peaceful applications of nuclear explosives will be made available to non-nuclear weapon states party to the treaty on a nondiscriminatory basis.

This is no promise of service at all. It merely says that all signers agree not to interfere with this service being made available. Once again, an important part of this treaty depends upon the collateral promise of the United States, while the Soviets have made no commitment.

The question of costs: The distinguished member of the Joint Committee on Atomic Energy, Representative CRAIG HOSMER, has conducted an extensive study and estimates that the costs of enforcement will pass \$1 billion a year by 1990. Nowhere in the treaty is the question of costs ever mentioned. I was surprised to learn from questions submitted to the ACDA that the question of costs had never been raised with the Soviets. Knowing the past record of the Soviets in not paying U.N. bills for activities that displeased them, it would appear that our negotiators were derelict in their duty in not reaching at least an informal understanding on this matter. At present, the administrative budget of the IAEA is assessed to members on the same basis of U.N. dues. We pay 31.57 percent, while the Soviets pay 15.4 percent. Once again we come out on the short end.

Eighth. The purported aims of this treaty is to increase the security of the United States by restricting the number of nations that urge nuclear war. No one has ever demonstrated that restricting the number of nuclear-weapon states will reduce the chance of war. This is a basic assumption that will not stand up to analysis by commonsense. The chance that a nuclear war will be started depends not upon the number of nations with a nuclear weapon capability, but upon which nations have it. Furthermore, no one can predict accurately which nations will misuse it. To do so requires us to render an invidious a priori judgment upon a nation's responsibility. Moreover, the evidence of history seems to indicate that the possession of nuclear weapons makes a nation more responsible—or at least more prudent. The proponents of this treaty have not presented any studies which show that proliferation is dangerous or that it would result in more security than alternate options, such as the selective defensive proliferation described by Dr. Teller. It is well known that the nations most likely to develop a nuclear explosive capability are the ones most reluctant to sign. This includes Israel, West Germany, India, Japan, and Brazil. Some of these who are reluctant participated in the 18-Nation Disarmament Conference, so there is no gainsaying their good will. Why then the reluctance?

In my opinion, it is because they are reluctant to close themselves off from basic research in the theory of nuclear explosions. It is all well enough and good to say that the nuclear nations shall provide explosion service on a non-discriminatory basis. However, having a specific job done for you is not the same as participating in basic research. No one

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can predict what will develop out of explosion research. No one can predict what will be the best site for creativity. The Israelis and the Germans and the Japanese, for example, are all highly inventive peoples. Shall they cut themselves off from research in the basic area by a mere policy decision? To ask them to do so is an arrogant demand on our part and on that of the Soviets.

Ninth. It is true that the non-nuclear-weapon states will be allowed to "participate in the benefits" of our research. They will be allowed to develop many subsidiary areas, and they will be able to use enriched fissionable materials obtained under safeguards. But all of this is to be dependent upon castoffs and charity. It is like being the eternal poor relative. The basic impetus for scientific and economic development comes from participating in the basic formulation and testing of explosion theory. This is where the best minds will be working, and if they cannot work in the non-nuclear-weapon states, they will go to the nuclear weapon states. No nation likes to see its best talent drained off.

Furthermore, the essence of scientific creativity is discovery. Who can safely say what remains to be discovered, particularly over a 25-year span? What may appear to be impossible for a smaller nation today may be perfectly feasible in 10 years. Although at the present time, the United States is the most economical source of enriched nuclear materials, new developments may short-cut nuclear processes and make such dependence unnecessary.

One has only to look at the growth of peaceful nuclear industry in the United States today to see that this field may well be the prime area for the expansion of technology, just as the electronics industry has in recent years. This is now a \$700,000,000 industry. For we must not only include basic nuclear applications such as the potential for explosives and the generation of electric power, but also the wide-ranging impact of nuclear technology on other technologies. In addition, there is a considerable spinoff of new developments that do not depend upon nuclear technology, but were created either to meet the demands of nuclear technology or through adaptation of equipment to meet new needs.

I have asked the Library of Congress to put together a short summary of the current state of the nuclear industry to give some idea of the potential in this field. At the present time the industry comprises less than 1 percent of the gross national product, but the peaceful nuclear industry is just now completing its transition from public to private hands. Mr. President, I ask unanimous consent that this memorandum be printed in the Record at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. THURMOND. Mr. President, now, of course, the non-nuclear-weapon states will be able to do research in many aspects of the peaceful nuclear field under safeguards. But that is not the same thing as having the opportunity to do your own basic research on explosion

theory. In passing, I might note that, so far as the safeguards are concerned, the basic technique is to keep a check on the inventory of fissionable materials to prevent diversion to military uses. Yet it is precisely the volume of activity that a smaller nation may want to keep secret for purely commercial reasons. While it is true that the United States has put some of its peaceful facilities under inspection, the United States is dominant in the field. The American unilateral offer of inspection does not compare with the situation of a small producer competing in a tight market.

Tenth. The plight of our nonnuclear allies is especially acute with respect to West Germany. This is not because of any specific situation in West Germany, but because I believe that the Soviets have agreed to the Nonproliferation Treaty solely as the solution to their so-called "German problems." The Soviets have continued to maintain a paranoid attitude toward West Germany even though that country, under its new leadership, has never manifested any of the tendencies of the Hitler leadership. A chief Soviet aim has been to neutralize West Germany's military capability as much as possible. If Germany and the United States ratify this treaty and it goes into effect, that aim will have been achieved for the following reasons:

For the first time, the West Germans will be integrated into a treaty framework with the Soviet Union, allowing the Soviets ample opportunity for interventions and harassment.

Even without the treaty, the Soviets still claim the right of intervention in West Germany as a so-called enemy state under articles 57 and 103 of the U.N. Charter. The United States does not accept this interpretation of the charter, but the Germans have been made to feel the threat very strongly within the past year.

The West Germans will be dependent upon the United States for the use of modern weapons and the development of modern tactics and strategy.

Germany's peaceful nuclear industry will also be dependent upon the United States for basic enriched nuclear materials. It is noteworthy that the Germans are already seeking to invest in U.S. nuclear facilities and to send scientific teams in the United States for research. France, on the other hand, wants to be independent of the United States, and has chosen the more expensive route of using nonenriched nuclear materials to generate electricity, since the United States is the principal source of enriched materials.

Because of this dependency, the West Germans will be subject to political pressure and veto by the United States.

The subjugation of West Germany to dominant American interests will make it easier for the Kremlin to seek a deal between the two superpowers.

Of the five high industrial nations—the United States, Soviet Union, Germany, Great Britain, and France—only Germany will be barred from the production of fissionable materials.

Even without the East-West conflict, the Germans will be placed at a disadvantage

relative to France, which refuses to sign the treaty.

Although the United States estimates the cost of safeguards at 1 percent of the sales volume of the peaceful nuclear industry, the Germans say a more realistic figure is 5 percent.

For these reasons, the Germans are very hesitant to sign a treaty which would treat them as a second-class power. Their security would be tied forever to that of the United States; they would have little room for diplomatic maneuvering. Their scientists would be cut off from basic research; their economic capability would be stunted; they would be at a disadvantage with regard to France; and they would be ripe for Soviet harassment. The Germans may sign this treaty, but I think it would be against their best interests to do so. They have already tied the main part of their defense to NATO, and circumstances put them under pressure to continue. Despite our pledge to support NATO, can we really guarantee its survival for 25 years? This is NATO's 20th anniversary, and it has already been grievously weakened by the military withdrawal of France. The day may come, against our will, when the only NATO members are the United States and West Germany. We would not want that to happen, but we must put ourselves in West Germany's position and examine all the possible outcomes.

Eleventh. The ambiguity about our right to continue our present nuclear arrangements with NATO is still very much in doubt. The failure of my understanding to be accepted leaves the future of this treaty and of our NATO commitment in doubt. If you go back over the history of the negotiations, it is clear that the Soviets had one aim, one goal which they sought to obtain. That goal was to bar West Germany from access to nuclear arms in any shape or form. Over and over again, the Soviet representatives specifically mentioned their desire to block West Germany from obtaining nuclear arms, despite the fact that West Germany has already pledged itself not to acquire such arms. The Soviet draft treaties specifically barred the use of military alliances to obtain participation in the use of nuclear arms. The Soviet representatives attacked U.S. draft treaties on the grounds that they left "loopholes" for West Germany, and permitted "indirect access."

Mr. President, I have made a list of such attacks from the Soviets and their allies, as mentioned in the official ACDA history of the public negotiations. The ACDA history is a brief handbook, and it doubtless omits relevant material. Nevertheless, even this brief work shows the Soviet obsession with the question.

Mr. President, I ask unanimous consent that the list of Soviet attacks on West Germany through the Nonproliferation Treaty negotiations be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. THURMOND. Mr. President, when the United States and the U.S.S.R.

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agreed on the common draft which was the basis of this treaty, these attacks disappeared. The Soviets at long last had a treaty which did not have "loopholes" from their point of view. The text was more general than their earlier versions, but it did not contradict their point of view on the transfer of nuclear weapons as regards West German territory. As I pointed out in my earlier remarks, the broad interpretation of transfer is easily construed as prohibiting all transfers, even of the physical hardware. This interpretation fits the Soviet view down to the announcement of the common Soviet-United States draft treaty.

The United States, on the other hand, gave up all the qualifications it had formerly insisted upon. Although we have given a restricted interpretation of the treaty, the text alone does not support it. How can we tell what the intent of the negotiators was when we know that the two sides had conflicting intentions?

In point of fact, the Soviet negotiators and the U.S. negotiators did not agree on anything substantive. There was no meeting of minds on the key issue. They agreed only on an ambiguous language that masked the conflicting intentions of both. This conflict is bound to emerge at some point in the future.

Mr. President, the obligation of the Senate to advise and consent in the treaty-making process is a most serious duty, and after much reflection and examination of all the issues, I have concluded that I cannot vote for the resolution of ratification.

EXHIBIT 1

[From *Orbis*, winter, 1968]

THE NONPROLIFERATION TREATY AND FISSION-FREE EXPLOSIVE RESEARCH

(By William R. Van Cleave)

On January 18, 1968, President Johnson announced that agreement on a draft nonproliferation treaty had been reached by the United States and the Soviet Union.¹ "Agreement" by the two superpowers does not assure either the entry into force of the treaty (ratification by all signatory nuclear-weapon states and forty other states) or its effectiveness even if ratified. Nor does it by any means resolve the major problems and questions associated with a nonproliferation treaty. Indeed, these matters must now be more soberly examined than before. Many specialists on nuclear affairs have argued that the draft treaty presented to the Eighteen Nation Disarmament Conference at Geneva does not adequately take into account certain realities of the situation and thus may be self-defeating in its aims.

The problem of securing the adherence of all nuclear-weapon states (e.g., China, France) to the treaty has been widely discussed, as has the difficulty of obtaining signatures from states actively considering the weapons option (such as India) or seeking to avoid constraints on their industrial nuclear research and development.² The draft treaty attempts to deal with these problems. But the whole effort raises the question whether the emotional satisfaction of obtaining a treaty signed by a majority of nations should take precedence over the weakening of the treaty (in order to gain wider acceptance) and the generation of serious minority dissent.

Even the question of the development of nuclear explosives for peaceful purposes—

the U.S. Plowshare program—has been widely discussed in relation to the treaty. A recent report in the *Bulletin of the Atomic Scientists* examined the peaceful application of nuclear explosives in excavation and earth-moving, tapping natural resources and scientific experimentation, and then speculated on the impact of Plowshare on nonproliferation negotiations.³ While the Plowshare question has been one of the more intractable in negotiations, the new draft treaty does concern itself with preserving potential Plowshare advantages to signatory nations (Article V).

I

What the treaty does not deal with, and what has not been treated candidly in negotiations and public discussions, is the effect that certain ongoing scientific research will have on the objectives of the treaty. This is particularly true in the case of research on pure-fusion explosives, i.e., nuclear explosives that are devoid of fissionable materials.

Nuclear research in general remains one of the most complicated problems of the treaty. The present draft omits "peaceful" nuclear research from treaty safeguards, while at the same time pledging nonnuclear-weapon signatories "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices." Article III of the draft is clear: "Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material. . . ." (Emphasis added.) Article IV supplies additional assurance that only materials, not research, shall be affected by the safeguards: "Nothing in this Treaty shall be interpreted as affecting the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes. . . ."

This provision is acceptable to the Euratom countries, as well as most advanced or developing civil nuclear powers. "The Germans believe that the best way to avoid the abuse of controls is simply to regulate the entry and exit of nuclear fuels, while industrial and research installations remain exempt from inspection."⁴ Euratom formally announced to the North Atlantic Council on October 31, 1967, that Euratom controls could not be supplanted by the control powers of the International Atomic Energy Agency (IAEA), which include Soviet bloc countries, and that any controls must pertain only to materials not to research. Thus, it seems, nuclear research that can be justified on peaceful grounds, regardless of its potential weapons implications, will have considerable freedom under the treaty.

The reasons for this are fairly clear. Non-nuclear-weapon states, as well as the nuclear-weapon powers, are loathe to have their scientific and technological research restrained or even in many cases closely observed by other powers. Moreover, an inspection and safeguards system that tried to watch over such research would be very demanding and difficult to set up at a time when controls over materials alone remain to be worked out.

Yet, this treaty provision may raise more problems than it successfully avoids. There is no clear dividing line between strictly peaceful and militarily useful nuclear research. The Plowshare controversy is only one example of this fact. Even research directed at civil goals can place a nation in an advanced state of "eight-months pregnancy." It is entirely possible that nonprohibited scientific research could produce distinctly advanced nuclear-weapon options or an entirely new approach to nuclear weapons. On the other hand, it is manifestly impossible (and, in the view of many, undesirable) to stop nuclear research that seems to have peaceful promise—whether or not it may also have some military significance. In fact, reliance on such research and development is a

fundamental tenet of the U.S. Atoms for Peace program.

The draft nonproliferation treaty neither resolves nor clarifies this problem. It ignores it. In particular, it neglects an area of research that may some day demonstrate very clearly the peaceful-military ambivalence of nuclear research: pure-fusion explosives.

In addition to the overriding desire on the part of U.S. and USSR statesmen to secure a treaty without upsetting the applecart, there appear to be three basic reasons for ignoring this problem in treaty discussions. The difficulty and unpopularity of including scientific research within the compass of the treaty's safeguards system have already been noted. The other two explanations are the assumption that "Nth countries" must follow the fission-weapon route developed by the present nuclear-weapon states, and the disparagement of pure-fusion research in terms of its weapons significance.

Even though China demonstrated the fragility of notions about Nth country weapons development by starting with uranium rather than plutonium bombs and moving quickly to thermonuclear weapons, it has been commonly assumed that any violator of the nonproliferation treaty must follow a single, well-marked path. The plutonium fission-explosive path seems obvious because success is virtually certain. Even if successful development of gas centrifugation for the enrichment of uranium leads to the dispersal of U-235 plants, and thus the possibility of following a uranium-fission path, the essential procedure would remain the same. Presumably, the path for the would-be nuclear-weapon power would be the diversion of sufficient fissionable material to stockpile bombs clandestinely, or simple abrogation of the treaty.

The draft nonproliferation treaty is based on this technical assumption. Leaving aside the question of the treaty's effectiveness even if this assumption is granted, the purpose of the present discussion is to question the assumption and call attention to the implications of current research on pure-fusion explosives.

II

The articles of the treaty, and the controversies that have surrounded these articles, are directed toward preventing or inhibiting other countries from doing what has been accomplished by all present nuclear powers: producing nuclear explosives that require fissionable material for their operation. The draft treaty has not addressed itself in any serious way to preventing or inhibiting countries from doing what has not been accomplished: successfully developing nuclear explosives that do not require fissionable material. This yet-to-be-developed class of explosives is that of fission-free fusion devices. In contrast to fission explosives, which have used kilogram quantities of plutonium and enriched uranium derived from reactors and isotopic separation plants that are relatively few in number and thus subject to safeguards, pure-fusion weapons could use gram amounts of heavy hydrogen, which is more easily and surreptitiously obtainable—and may permit much cheaper devices.

The concept of pure-fusion explosives received widespread publicity several years ago when controversy developed over the concept of the "Neutron Bomb," at that time described as an anti-personnel weapon without destructive anti-property characteristics.⁵ Some argued that this concept promised a revolutionary advance in nuclear weaponry. Others debunked the idea on grounds of infeasibility, impracticality or undesirability. The controversy was linked to the debate over the test moratorium and projected test ban treaty: Some did not want test ban negotiations complicated and jeopardized by the neutron bomb. Others feared that a comprehensive test ban would prevent the United States from developing a potentially advan-

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tageous weapon with no guarantee that the Soviet Union was not forging ahead with it. The development and even the testing of such a weapon could proceed without detection.

Despite the potential usefulness of such an explosive device for Plowshare programs or power generation, the debate was limited to weapons applications until it receded from public notice after 1961. For several years the subject of pure-fusion explosives received scant public attention. For one thing, development of a pure-fusion device encountered great technical difficulties, as was pointed out in a widely read article published in 1964 by two key Presidential scientific advisers.⁶ While there have been several public reports of progress in controlled fusion research, there is very little available in the public domain concerning a U.S. pure-fusion explosive or neutron bomb program.⁷

In June 1967, a paper was published by S. T. Cohen of The RAND Corporation, which briefly discussed the neutron bomb, related pure-fusion explosives to peaceful uses, and described pure-fusion explosive research being conducted under Euratom auspices at the Laboratori Nazionali De Frascati Del Comitato Nazionale Nucleare in Frascati, Italy.⁸ The paper caused a great deal of controversy.⁹ However, the controversy was short-lived and the practical implications the paper raised for the nonproliferation treaty and for U.S. Atoms for Peace policies were ignored. Despite the potential embarrassment these implications could cause political leaders, they seem far too important to be dropped so abruptly. Pure-fusion explosive research, the potential of the neutron bomb, and the Frascati work should be examined more carefully in view of the present draft nonproliferation treaty.

First, a brief description of the pure-fusion explosive concept is in order. Whatever the political-military controversies surrounding the concept, the pure-fusion neutron bomb would differ technically from fission weapons in the following ways: (1) The energy would be released primarily as an instantaneous burst of radiation, rather than as blast and heat. (2) Nuclear processes that may produce no radioactivity, in contrast to the vast amounts created by fission weapons, would be involved. (3) The cost in scarce nuclear materials would be far less than that of fission or fission-fusion bombs.¹⁰ Whereas the energy release from a fission explosion is about 80 per cent blast and heat and 5 per cent or less neutrons, blast and heat may comprise only about 15 per cent and neutrons 80 per cent of the energy yield of a pure-fusion explosion.

These characteristics may give both peaceful and military significance to pure-fusion explosives, if such devices can be developed in practical forms. Or, depending on the forms of devices developed, it is possible that peaceful but not military utility may be derived. This presently unanswerable question poses a dilemma.

The Frascati program is directed toward peaceful application of pure-fusion explosives. But regardless of its intent, the possibility of military applications, if not of an innovative breakthrough in nuclear weapons technology, exists. This raises some disturbing questions about the draft nonproliferation treaty.

First, since the draft treaty (Article II) specifically obligates nonnuclear-weapon countries "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices" (emphasis added), could the Frascati effort be prohibited under the treaty?

Second, if such research is to be prohibited or monitored, what would this require of the treaty safeguards system, and how might the

proposed attempt to control such research affect national policies toward the treaty?

Third, if such research, which seems to have military implications, is not to be prohibited or safeguarded, what does this imply for the treaty's usefulness and viability?

Fourth, due to the obvious technical problems associated with the development of pure-fusion explosives, certain classes of these devices may have no military utility. If this is so, should the treaty wording be modified to permit development of these types of nuclear explosives?

Fifth, it is curious that both the United States and the Soviet Union, which are acquainted with the Frascati project, have made no known effort to take such programs into account in the Geneva negotiations. How can this be interpreted? Does it represent considered approval, or unconcern for the implications of the research, or reluctance to disturb treaty negotiations, or such a primary concern with the fission weapon problem that pure-fusion developments seem unimportant?

These are puzzling questions for which there seem to be no answers from official sources. Pointing to the technical difficulties of pure-fusion development is not an adequate answer. These might be solved at any time. Apparently the United States, despite several years of work, has not achieved success in pure-fusion. If this example is used as the criterion, success at Frascati or elsewhere does not seem likely in the near future. But solutions to seemingly unyielding technical difficulties have appeared quite suddenly in the past; thus it is presumptuous and dangerous to cite technical problems as a reason for avoiding important questions.

III

In a sense, the present status of pure-fusion research bears some similarity to the efforts leading to the test of a fission device and later to the test of a thermonuclear device, which involved the problem of producing fusion reactions. The pure-fusion problem seems considerably more formidable, and no solution has been publicly announced either for the production of minimal yields in bulky containers for peaceful purposes or for a range of yields in more compact containers for military purposes. As evidenced by the number of known research efforts, the problem of using nonnuclear means to produce nuclear fusion explosions seems solvable in theory. But there is no definitive answer as to when a practical demonstration will take place.

It might be recalled, however, that a similar question was central to the debate over the thermonuclear superbomb. In 1949 and 1950 there was much controversy about the production of a thermonuclear (fission-fusion) explosion. Many scientists felt the state-of-the-art precluded a thermonuclear device of practical military utility. Others were more optimistic. But it was not possible to resolve the dispute until in 1951 a new technique suddenly appeared and changed the state-of-the-art. What followed should be kept in mind when questioning pure-fusion practicality. As S. T. Cohen expressed it, "Somewhat less than two years after the zenith of doubting occurred the doubters were silenced by the 'thermonuclear breakthrough' at Los Alamos. Who knows when such a breakthrough may occur in the pure-fusion area?"¹¹

The dream of producing fusion energy has produced a variety of schemes over the years. The Soviet Union initiated work on a pure-fusion explosive a number of years ago, using a heavy explosive assembly directly to implode and heat a small amount of deuterium and tritium (the heavy hydrogen isotopes).¹² More recently, there has been speculation on the use of lasers to initiate fusion.¹³ At Frascati, Dr. J. G. Linhart has been investigating

the possibility of producing small fusion explosions through the use of highly intense magnetic fields, the "Megagauss technology."¹⁴

The Frascati program is apparently aimed toward contained pure-fusion explosions for the production of electrical energy. The characteristics of these explosions seem to permit a unique type of "nuclear reactor" where convertible energy is produced by pulsed, very-low-yield explosions of pure-fusion, at costs perhaps more than competitive with advanced nuclear fission reactors.¹⁵ There appear also to be important isotope breeding advantages to fusion reactors. On the face of it, therefore, there seem to be good reasons for this approach to the production of heat and electricity. What is not yet known, in addition to the very feasibility and requirements of contained pure-fusion explosions, is the cost of producing such explosions. Until such factors are worked out, the practical advantages of the system cannot be conclusively determined. But then, who could determine in 1942 what future Fermi's atomic pile, under the grandstand at the University of Chicago, had for producing nuclear power?

Whatever the promise of these approaches, if the timing of success cannot be predicted, neither can it be precluded—nor should it be excluded—from considerations of the nonproliferation treaty. To what extent should a nonproliferation treaty take pure-fusion explosion research into account? Should the ban on all nuclear explosives be modified to permit certain explosives to be developed—or certain types of certain explosives? If such a modification is to be made, should the United States actively collaborate with other nations in the development of pure-fusion devices that hold a promise of peaceful utilization? What are the risks that this research might lead to the development of new weapons?

Although public discussion of pure-fusion explosives has thus far centered on the military application of the neutron bomb, it is possible that at least the first generation devices may be so bulky and complex as to render any military application infeasible. A workable device of the Frascati variety appears to require a ton of heavy explosives, a large containment unit, equipment for producing and injecting plasma, and a complex electrical system. These characteristics suggest a machine much too large and expensive and producing too small a nuclear yield to offer military advantages.

This might suggest that the blanket prohibition of all nuclear explosive devices in the draft nonproliferation treaty is open to serious question, particularly if it is used to inhibit scientific research of this type. On the other hand, if such research and development activities continue freely, and result in military breakthroughs, the idea of a blanket prohibition may be vindicated—but too late.

There may be no practical military uses for pure-fusion explosions in the foreseeable state-of-the-art. But if pure-fusion explosive development proves comparable to previous experiences with nuclear weapons, one might anticipate improvement, refinement, or even breakthrough toward weaponization. By no means can it be assumed that subsequent designs of pure-fusion explosives will be confined to the cumbersome technology of the first successful device. In short, if pure-fusion explosive research is pursued, such explosives may eventually be put to both peaceful and military uses. The implications of this for proliferation will be great. Whatever the technical advantages of pure-fusion weapons over fission or fission-fusion weapons, their cost may be substantially less and clandestine diversion and smuggling of the necessary materials would be far easier, since only very small amounts of relatively weak radioactive materials would be required.

Footnotes at end of article.

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IV

In conclusion, there are compelling reasons for taking such research into account in deliberations over the nonproliferation treaty. It is a simple fact that research on pure-fusion nuclear explosives—whatever the chances of success of such work and whatever utility early devices might have—is being conducted by prospective signatories of the treaty.

The Frascati work is notable if only for the fact that no attempt seems to have been made to consider it in relation to the draft nonproliferation treaty. If the program is eventually successful, it will include nuclear explosive testing. Will the conduct of these tests also be ignored? Does the current tacit acceptance of this research extend also to testing? If so, there seems to be no reason why other nations cannot pursue the development and testing of pure-fusion nuclear explosive devices. What might this mean for nuclear proliferation and the nonproliferation treaty?

One can imagine the outcry if a non-nuclear-weapon nation which had signed the treaty established an open laboratory for research and development of fission explosives. Such an effort, which would have predictable success and obvious military implications, would be interpreted as a clear violation of the treaty. It seems highly inconsistent that fission-explosive research is clearly outlawed, while fusion-explosive research is not, when the draft treaty does not make an explicit distinction between the two. Does this mean that a line has been tactically drawn somewhere between a guaranteed success and an anticipated but unpredictable development? If so, where? And why is this not made explicit in the treaty? What time element is presumed to make the critical difference between one and the other? Or has no consideration been given to the matter at all?

It is understandable that those favoring the current draft treaty would wish to postpone reference to pure-fusion explosive research. The matter would greatly complicate negotiation of the treaty. It could be argued that, barring undisclosed developments, a workable pure-fusion device has not been achieved, and one with military significance cannot be expected for a number of years. This could be buttressed with the observation that the major nuclear-weapon powers have apparently not assigned major importance to the development of pure-fusion weapons—although, as noted above, a U.S. program for the development of these weapons has been publicly revealed. Moreover, the work at Frascati, for example, has been open and in collaboration with Euratom, and neither the United States nor the Soviet Union has voiced objections to it. The attempt to stop such research would be not only politically unwise but also technically undesirable. Important peaceful benefits may one day flow from it.

If this is the case, should not the United States openly and actively collaborate with such research? The efforts of the United States to promote the peaceful atom have had mixed blessings, but the peaceful atom remains U.S. policy and the draft nonproliferation treaty supports and internationalizes this policy. International collaboration on pure-fusion explosive research would give it a sanction and respectability that a nationally conducted program would not have, and thus perhaps ease any later misunderstandings that might arise from it.

Why not make it clear at this time how pure-fusion explosive research fits into the nonproliferation treaty? Why run the risk of treaty disruption when one party later charges that another is manufacturing (pure-fusion) "nuclear explosive devices" and is thus in violation of the treaty? All parties should expect the clearest possible statement

concerning permissible activities under the treaty. If there is to be a distinction drawn between work directed toward one type of nuclear explosive device and another type, it should be made explicit. In the case of pure-fusion explosive research, the formula "what is not explicitly prohibited is implicitly permitted" is likely to produce more problems in the long run than it may seem to avoid during negotiations.

Whether the treaty makes such distinctions or not, United States policymakers should. If scientific and other peaceful purposes are being served by pure-fusion explosive research conducted abroad, it might benefit all concerned for the United States to cooperate in furtherance of it. Such cooperation might also help to heal political wounds caused by what some European allies consider an inequitable military nuclear policy.

At the same time, it is important to be aware of potential military applications. An important weapons breakthrough could be achieved. The destabilizing consequences of this may be greater in the case of a purely national (or even exclusively Euratom) program than one with which the United States had been collaborating. It is always a delicate question whether to support research because it might have peaceful benefits or to try to restrict it because it might result in a threat to international security. At least, U.S. collaboration would ensure that research progress is being monitored to determine whether prospective devices hold military promise.

Technological progress often has the unsettling effect of changing the conditions upon which arms control proposals and treaties are based. Changes in this area occur so quickly that politics and policies are outdated before national authorities recognize this fact. Reluctance to face squarely the potential ramifications of pure-fusion explosive research because this might jeopardize a currently high-priority arms control objective can only increase the probability of future embarrassment or failure.

FOOTNOTES

¹ Draft Treaty on the Non-Proliferation of Nuclear Weapons," January 18, 1968, and "Statement by the President on the Presentation to the 18-Nation Disarmament Committee of the Non-proliferation Treaty," released by the White House Press Secretary, January 18.

² India's initial reaction to the draft was that it did not intend to sign the treaty because of security considerations. "India Won't Sign A-Ban Treaty, Official Says," *Los Angeles Times*, February 9, 1968, p. 22. For a statement of the West Germans' concern over treaty-imposed constraints on their civil nuclear program, as well as other objections to the treaty ("there are serious doubts in Germany as to whether the conditions for the conclusion of the treaty still exist"), see Dietrich Schwarzkopf, "Nuclear Defense Through German Eyes," *Interplay*, January 1968.

³ "A Special Report on Plowshare, Prospects and Problems: The Nonmilitary Uses of Nuclear Explosives," by David R. Inglis and Carl L. Sandler, *Bulletin of the Atomic Scientists*, December 1967, pp. 46-53.

⁴ Schwarzkopf, *op. cit.*, p. 14. But, "from the German viewpoint, the guarantees of this 'inalienable right' are still inadequate."

⁵ See, for example, "Neutron Bomb, Nuclear Tests—Next Decision for U.S.," *U.S. News & World Report*, July 17, 1961.

⁶ Jerome B. Wiesner and Herbert F. York, "National Security and the Test Ban," *Scientific American*, October 1964.

⁷ For example, T. K. Fowler and R. F. Post, "Progress Toward Fusion Power," *Scientific American*, December 1966; and "Scientists Expect Way to Curb H-Bomb Energy in 3-5 Years," *New York Times*, February 4, 1968, p. 66, reporting on an American Physical So-

cety conference. In September, the Atomic Energy Commission publicly reported research on pure-fusion weapons, but indicated that the status of these programs is classified. "U.S. Discloses Its Weapons in Nuclear Arsenal," *Los Angeles Times*, September 6, 1967, p. 1.

⁸ S. T. Cohen, "The Peaceful Neutron Bomb: A New Twist on Controlled Nuclear Fusion" (Santa Monica: The RAND Corporation, P-3510, June 1967).

⁹ Perhaps because of a somewhat misleading newspaper report: "Euratom Plans Clean Bomb," *Washington Post*, September 10, 1967. See also "European Commission Corrects Press Reports," *The European Community*, Press Release, September 11, 1967.

¹⁰ Cohen, *op. cit.*, p. 1.

¹¹ *Ibid.*, p. 9.

¹² L. A. Artsimovich, "Research on Controlled Thermonuclear Reactions in the U.S.S.R.," *Proceedings of the Second UN International Conference on the Peaceful Uses of Atomic Energy*, United Nations, Geneva, 1958.

¹³ "High Temperature Laser Plasma Program," Research Progress Report, Maryland Institute of Technology, January 1, 1967.

¹⁴ J. G. Linhart, "Megagauss Fields," *Physics Today*, February 1966.

¹⁵ Cohen, *op. cit.*, pp. 2-4. Also, see the Annex describing the work at Frascati, included with *The European Community Press Release* of September 11, 1967, *op. cit.*

EXHIBIT 2

ITEM 1

TO: HON. STROM THURMOND.

Discuss the role of nuclear research as it influences other technologies.

The principal effects of nuclear energy upon other sciences and technologies all depend on nuclear fission. When an atom of uranium or plutonium splits apart, or fissions, energy is emitted in several forms. It can appear as heat, as radiant energy—such as light and X-rays, in the energy of rapidly moving nuclear particles—electrons, neutrons, and debris from fission, and in the energy of radioactive decay of the radioactive debris left after fission.

Our modern technologies have put these various forms of energy to use in many different ways. I have listed below some of the principal fields of use.

1. Civil engineering

The use of nuclear explosives for civil engineering works has been so much identified during discussions of the non-proliferation treaty that it needs no further discussion. Other less spectacular uses of nuclear energy are largely found in non-destructive testing apparatus for highway and other construction. Small amounts of materials that have been made radioactive by putting them inside a nuclear reactor, better known as radioisotopes, can be used to measure densities of materials, to examine specimens for cracks or voids, or to measure moisture content of soils or cement.

2. Food

Radiation from radioisotopes manufactured in a reactor, or recovered from radioactive debris of fission is being used experimentally to extend the shelf lives of some foods, and to sterilize others. Irradiation of grains, for example, can also cut food losses from insects. Irradiation of potatoes and certain fruits can prolong their useful lives. In another connection, radiation has been used to control one insect pest by sterilizing large numbers of insects and releasing them to mate with others, with a resulting dramatic decrease in the insect population.

3. Health

Radioisotopes are routinely used in the practice of medicine. Radioactive iodine, for example, finds daily use in diagnosis and treatment of certain thyroid conditions.

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Radioactive cobalt is widely employed in treatment for cancer. Other radioisotopes provide a portable source of radiation for x-rays. The AEC reports a new cancer therapy facility for low exposure rates of whole body irradiation of patients with chronic leukemia has been developed and is in use.

Recent research points the way to artificial hearts which derive their energy from radioisotopes that might be implanted into the body. Other radioisotopes are being used to heat the suits of skin divers.

4. Housing

In addition to non-destructive testing for construction by means of radioisotopes, nuclear energy has been applied to create new products which may affect housing. One is a wood-plastic combination which takes on desirable new properties when exposed to intense radiation. Three companies are now manufacturing products from this material. One example of wood-plastic combinations was the floor of the U.S. exhibition at the Worlds Fair in New York. Another, newer product is the recently announced concrete-polymer material. Preliminary experiments indicate marked improvements in the properties of this form of concrete. Preliminary tests show compressive strength increased up to 190 percent, tensile strength increased up to 220 percent, absorption reduced as much as 95 percent, abrasion resistance increased from two to five times, and greater durability in freezing and thawing tests.

5. Manufacturing

Radiation from radioisotopes are being used in industry to process materials so as to obtain new and desirable properties. One example is in the irradiation of plastics to increase their ability to withstand high temperatures, or to otherwise change their normal properties. Another application is to control process machinery. One of the earliest applications was using such radiation in a thickness gage to control the thickness of paper in a paper mill. This same idea has been extended to controlling the thickness of metals being rolled in a rolling mill. Another application is in non-destructive testing and inspection of castings.

The employment of radioactive isotopes offer advantages in industry—which must, of course be balanced against economic advantages or disadvantages—such as:

Low temperature initiation.

Solid-phase initiation.

A product with no catalyst impurities.

Adjustment of the rate of a reaction by variation of the radiation from the external sources.

Irradiation of a material in place in its final container, or in its final shape.

Producing a reaction which is unique to the use of radiation and cannot occur by other means.

6. Power

Advocates of nuclear energy claim that it has relieved mankind of the threat of running out of fuel to supply the energy required by our energy intensive civilization and economy. Thus one major reason for the Atomic Energy Commission's interest in the breeder reactor idea is that in principle one could "burn" all the uranium and thorium present in the earth's crust for fuel.

The nuclear reaction of fusion in which atoms of light elements fuse together with release of energy also promises to be an even greater supply of energy for mankind if the fusion process can be controlled for this purpose. We know full well the power of the fusion process in a weapon.

Another energy related use is to employ nuclear explosives to release natural gas and perhaps to heat oil or tar sands so as to obtain fuels from them.

The radioisotopes recovered from fission debris or certain others made in reactors or with accelerators can also be used as power supplies for special purposes where high

costs of energy are less important than a compact, long lived supply. Thus heat given off by radioactive decay in strontium, for example, can be converted into electricity for use in navigation aids on the sea floor, and other radioisotopes are used to provide energy for space satellites.

7. Research

Radiation from radioisotopes has provided an immensely powerful tool for research in the life and physical sciences and in engineering. While natural radioactive materials such as radium and a few artificial radioisotopes made with accelerators were available in the late 1930's, their cost and very small supply greatly limited their use. The nuclear reactor now provides a virtually unlimited source for many different radioisotopes that furnish the scientist with many kinds and quantities of radiation.

Minute quantities of radioisotopes or tracers, can be introduced into life and physical processes so that the inner workings of a process can be better understood. Thus agricultural scientists have used them to trace the entry and fate of fertilizers in plants, chemists have used them to see what happens in various chemical reactions, engineers have used them to measure flow of fluids, metallurgists have used them to measure the transfer of materials between rubbing surfaces. The possibilities for applications are limited only by the imagination of the user.

8. Service and maintenance

The increasing growth of service industries in our national economy and the need to increase their productivity is opening new opportunities for new uses of radioisotopes. For example, in plumbing certain radioisotopes that quickly lose their radioactivity can be introduced into pipes to locate leaks, instruments using radioisotopes can measure the wall thickness of pipes and boilers and detect spots weakened by corrosion, ventilation rates can be measured with radioactive tracers, and such tracers also can provide early warning of wear inside an engine. Radiation from larger sources is being used for routine inspection of jet engines for aircraft and to check airframes.

9. Space

Energy from fission and radioisotopes may also drive the engines for vehicles that will probe deeply into space and visit the outer planets.

10. Transportation

Radioisotopes are beginning to find uses in transportation. For example, they provide the energy for luminescent signs in aircraft to mark doors and exits, railroads have experimented with them as light sources for signals at track switches, the Coast Guard is experimenting with them to supply power for unattended buoys and lightships. Nuclear fission drives the experimental merchant ship, the N.S. *Savannah*, which is now in routine commercial use.

ITEM 2

Discuss the development of the nuclear industry in the United States.

The American nuclear industry was conceived during the Manhattan Project of World War II. By 1946 uranium mining and prospecting were going on and government owned factories to mill the ores, extract the uranium, separate out the fissionable content and convert uranium-238 into plutonium were in existence. The commercial nuclear industry began to expand with revision of the Atomic Energy Act in 1954 to permit private ownership of nuclear reactors and possession and to encourage use of nuclear fuel materials. The AEC has followed a deliberate policy of encouraging private industry to provide necessary products and services, and has withdrawn from competition as private suppliers have proven adequate to supply civil needs. The first part

of the industry to become wholly private was the mining and milling of uranium. At present, all manufacturing capabilities needed for civil use of nuclear energy are privately available except for separation of the fissionable component of uranium, and disposal of the intensely radioactive wastes left over from reprocessing of used nuclear fuels.

For 1967, the value of selected atomic energy products was \$356 million of which \$119 million was to Government agencies and \$35 million was export trade. This industry includes prospecting for uranium ores, mining them, extracting the uranium, separating out its fissionable component and converting other forms into fissionable plutonium, manufacturing radioisotopes, manufacturing nuclear reactors for power and for research, fabricating fissionable materials into fuel products for reactors, and disposing of radioactive wastes.

The estimated cost of nuclear power plants announced by utilities during the first nine months of 1968 totaled about \$2 billion, bringing the estimated investment in nuclear power plants operating, under construction or planned to about \$12 billion.

ITEM 3

Discuss the share of the nuclear industry in the Gross National Product.

For 1968 the GNP was \$860.7 billion. While the selected shipments for the atomic energy industry for 1967 do not represent the whole of the industry, for they do not include Government enriching and plutonium manufacture, the \$356 million should be more than half. Assuming then that the American nuclear industry had a level of from \$356 million to \$700 million, and realizing the inaccuracies in comparing such a figure directly with the GNP, nevertheless, it appears that the nuclear industry is presently less than one percent of the GNP.

ITEM 4

Discuss the spin off of new industry growth from the nuclear industry.

Since the beginning of the Manhattan project which created the atom bomb, some of the technology and products originated or perfected for nuclear energy have moved into general use. One example is the large scale use of fluorocarbons which led to teflon and related products. A whole new, although small, instrumentation industry has been created. Remotely controlled manipulators perfected for use in places of intense radiation have been adapted to undersea research vehicles. Very recently the AEC announced that a high-speed centrifuge developed at Oak Ridge has been put to a new, important use, which is research in the control of insect pests. The U.S. Department of Agriculture Forest Service is now using the centrifuge to concentrate and purify viruses in large quantities for use in viral insecticides that can attack a specific insect species while not harming other species. The immediate target pest is the tussock moth, which kills Douglas fir trees.

EXHIBIT 3

SOVIET ATTACKS ON GERMANY THROUGH THE NPT

August 29, 1957—Soviet representative Valerian A. Zorin attacks Western disarmament proposals, charging that the United States had already transferred nuclear weapons to the Federal Republic of Germany.

July 19, 1962—Zorin attacks West Germany and proposes an agreement among the nuclear powers "not to deliver nuclear weapons, control of them, or information necessary for their manufacture to states which at the present time do not possess them."

July 11, 1964—Soviet opposition to the Multi-Lateral Forces (MLF) centers on the participation of West Germany. Soviet note to the United States charges that West German "military and political circles" regard

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the MLF as only a beginning and checks a dominant role in the project.

June, 1965—Soviet representative Semyon Tsarapkin to the Disarmament Commission attacks the United States for leaving the door open for a MLF or Atlantic Nuclear Force (ANF) and questions Secretary of Defense McNamara's recent proposal for a special NATO Committee to study nuclear planning, especially because West Germany would participate in the Committee.

August 17, 1965—Semyon Tsarapkin asks whether the U.S. draft of the treaty provides the prohibition of "direct" access to nuclear weapons through a MLF with West Germany participation. He says that the draft treaty is unsatisfactory on this point because it leaves open the door for the MLF. He insists that a non-dissemination agreement must not allow any loopholes or exceptions. He says it is necessary to ban direct access and that the MLF would give West Germany and other non-nuclear NATO countries access to nuclear weapons.

September 24, 1965—Soviets submit draft treaty to U.N. In the First Committee, Soviet Ambassador Fedorenko says the American position aims at "legalizing access to these weapons and in the first analysis to participate in the position of management and utilization of them by the non-nuclear powers of NATO—and first of all by the Federal Republic of Germany." He says that the Soviet draft treaty would make it impossible to create a MLF or an ANF which would enable non-nuclear powers, above all, the Federal Republic of Germany, to obtain nuclear weapons.

September 8, 1965—Soviet Foreign Minister Gromyko tells the Supreme Soviet that West Germany's desire to participate in an MLF was in effect a vote against the General Assembly Resolution on disarmament and was an attempt to "torpedo" a Non-Proliferation Treaty. He says that the U.S.S.R. not only opposes the MLF and ANF but also rejects a two-committee system for controlling nuclear weapons on West German territory. In the Soviet view, any attempt "to camouflage the (West German) accession to nuclear weapons through the establishment of some sort of committee" would contradict the Potsdam Agreement and other allied commitments to prohibit German militarism.

September 1, 1966—Premier Kosygin sends a message to the ENDC. He says that the Soviet Union is now willing to include a clause "on the prohibition of the use of nuclear weapons against non-nuclear states or parties to the treaty which have no nuclear weapons in their territory." At the same time, he attacks alleged plans to give West Germany "terrorists and revanchists" access to nuclear weapons.

September 17, 1966—Soviet Ambassador Tsarapkin says that whatever nuclear sharing plans the U.S. and its allies might have, the U.S.S.R. would never agree to West German "access to nuclear weapons" for this would increase tension in Europe, threaten European security, and nullify any attempts to conclude an effective NPT.

September 17, 1966—Zdenek Cernik, Czechoslovak representative, says that the West German desire to participate in a joint nuclear force and in the control of nuclear weapons and the making of decisions on their use within the framework of NATO shows that there are other direct ways and means of proliferating nuclear weapons.

February 17, 1966—Mieczyslaw Blusztajn, the Polish representative charges that West Germany is the only Western European country interested in nuclear sharing and that the majority of Western Europeans are against it.

March 29, 1966—Ambassador Alexi Roshchin charges that the Western Powers still wished "to leave a loophole for giving access

to nuclear weapons to non-nuclear powers and in the first place, to the Federal Republic of Germany."

April 28, 1966—Roshchin says that the U.S. draft provides the possibility for the U.S., irrespective of whether unified nuclear forces are created in NATO or not, to transfer nuclear weapons to other countries; for example, the Federal Republic of Germany and for the latter, to obtain these weapons, keep them, transport them as it sees fit, and put them into its missiles or aircraft which could thus carry out flights with nuclear weapons aboard. Lastly, the Federal Republic of Germany would be able to use these weapons after receiving the consent of a nuclear power.

August 16, 1966—Roshchin says the U.S. regards the treaty as a piece of paper "but gives priority to giving West Germany the right to take part in a joint nuclear force."

September 26, 1966—Czechoslovak delegate reports that East Germany is prepared to accept IAEA safeguards if West Germany also accedes.

September 23, 1966—Foreign Minister Gromyko again says the U.S. draft treaty leaves loopholes for West Germany.

August 17, 1967—Soviets charge that use of Euratom safeguards in place of IAEA safeguards meant that West Germany was being inspected only by its Allies.

August 24, 1967—Common Soviet-U.S. Draft Treaty on the Non-Proliferation of Nuclear Weapons.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAXBE. Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is, Will the Senate advise and consent to the resolution of ratification? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. AIKEN. Mr. President, will this be the final vote on the treaty?

The PRESIDING OFFICER. The Senator from Vermont is advised that this will be a vote on whether the Senate will advise and consent to the resolution of ratification. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. McCLELLAN) is necessarily absent.

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOPER) is detained on official business, and if present and voting, would vote "yea."

The yeas and nays resulted—yeas 83, nays 15, as follows:

[No. 23 Ex.]
YEAS—83

Aiken	Gravel	Mundt
Allott	Griffin	Muskie
Anderson	Hansen	Nelson
Baker	Harris	Packwood
Bayh	Hart	Pastore
Bellmon	Hartke	Pearson
Bennett	Hatfield	Pell
Bible	Holland	Percy
Boggs	Hruska	Prouty
Brooke	Hughes	Proxmire
Burdick	Inouye	Randolph
Byrd, Va.	Jackson	Ribicoff
Byrd, W. Va.	Javits	Saxbe
Cannon	Jordan, N.C.	Schweiker
Case	Jordan, Idaho	Scott
Church	Kennedy	Smith
Cook	Magnuson	Sparkman
Cotton	Mansfield	Spong
Cranston	Mathias	Stevens
Dirksen	McCarthy	Symington
Dodd	McGee	Talmadge
Dole	McGovern	Tydings
Eagleton	McIntyre	Williams, N.J.
Ellender	Metcalf	Williams, Del.
Fong	Miller	Yarborough
Fulbright	Mondale	Young, N. Dak.
Goodell	Montoya	Young, Ohio
Gore	Moss	

NAYS—15

Allen	Fannin	Murphy
Curtis	Goldwater	Russell
Dominick	Gurney	Stennis
Eastland	Hollings	Thurmond
Ervin	Long	Tower

NOT VOTING—2

Cooper McClellan

The PRESIDING OFFICER (Mr. STEVENS in the chair). Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. FULBRIGHT. Mr. President, I move that the President be immediately notified of the Senate's consent to the resolution of ratification.

The PRESIDING OFFICER (Mr. STEVENS in the chair). Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I wish to extend appreciation to the distinguished majority leader and the distinguished minority leader for the way they cooperated in the handling of this very important treaty. I think all of the Senate should be proud of the fine debate that has taken place. I think this has been an exhaustive and informative debate.

Those Senators who offered reservations and understandings, even though the chairman could not accept them, are to be commended. Nearly all proposals were sound in substance, and it was for procedural reasons that I could not accept them. However, the debate which they inspired did a great deal to make a clear legislative history. I think the debate added a great deal to national understanding of the treaty. I believe a fine record has been made.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Arkansas (Mr. FULBRIGHT), the able and effective chairman of the Foreign Relations Committee, deserves the highest commendation of the Senate for the manner in which he led this treaty to final approval today. All Senators are aware of the extensive hearings and work involved in bringing a treaty of such great importance to the floor. Its handling by Senator FULBRIGHT was distinguished most perhaps by the highly thoughtful and

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competent way the chairman led the discussion. Once again we are in his debt. Once again does the Nation owe to him its gratitude for such a thorough and high-level discussion of the great issues involved.

May I say also that the ranking minority members of the committee, the Senior Senator from Vermont (Mr. AIKEN) deserves similar high praise for his devoted efforts in behalf of this treaty. From the outset—when hearings began last summer—he joined with the able Senator from Alabama (Mr. SPARKMAN) in assuring a full and exhaustive study. So we are indeed grateful to Senator AIKEN, to Senator SPARKMAN, and to the other committee members for their vast contribution to the success of this matter.

And joining specifically to assure a full discussion of all of the issues involved were the distinguished Senator from Connecticut (Mr. DODD), the distinguished Senator from North Carolina (Mr. ERVIN), the distinguished Senator from South Carolina (Mr. THURMOND), and the distinguished Senator from Texas (Mr. TOWER). Their strong and sincere views are always welcome; indeed, the Senate profited particularly from their expressions concerning the issues involved in a matter as complex and important as is this treaty.

A number of others are to be similarly commended for their participation: the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MUNDT), the Senators from California (Mr. CRANSTON and Mr. MURPHY) and many more should be included in this list. In fact, I believe the Senate as a whole may justly be proud of this achievement—obtained with such great bipartisan cooperation on an issue of such monumental importance to all mankind.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I would like to query the majority leader concerning the program for the remainder of the week and also for next week, if possible.

VACATING OF ORDER FOR RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order which was agreed to earlier by the Senate to recess at the conclusion of business today until 10 o'clock tomorrow morning be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY, MARCH 17, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO RECEIVE MESSAGES, FILE REPORTS, AND SIGN BILLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment following today's session until the Senate reconvenes on Monday, March 17, 1969, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and that said messages may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, it is my understanding that several measures have been reported by the Committee on Commerce today which hopefully will be taken up on Monday next. It is anticipated that we will try to clear as much of the Executive Calendar as possible immediately upon the conclusion of this colloquy with the distinguished minority leader so that we can see to it that some of these people who have been appointed will be able to take up their jobs immediately.

There will be no further votes tonight.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. AIKEN. When does the majority leader expect to take up the nomination of Mr. Smith for the Farmers Home Administration?

Mr. MANSFIELD. I would assume on Monday.

Mr. AIKEN. I thank the Senator.

Mr. MANSFIELD. I think that can be worked out for Monday.

Mr. AIKEN. The reason I ask is that the Farmers Home Administration is not able to properly function and it is one of the most important agencies of Government.

Mr. MANSFIELD. The Senator is correct.

NOMINATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations on the Executive Calendar, beginning with John S. D. Eisenhower, under Department of State.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations on the Executive Calendar will be stated, beginning with the nomination of John S. D. Eisenhower.

DEPARTMENT OF STATE

The bill clerk read the nomination of John S. D. Eisenhower, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

INTERNATIONAL MONETARY FUND, INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, AND INTER-AMERICAN DEVELOPMENT BANK

The bill clerk read the nomination of David M. Kennedy, of Illinois, to be U.S. Governor of the International Monetary Fund, U.S. Governor of the International Bank for Reconstruction and Development, and a Governor of the Inter-American Development Bank.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

ASIAN DEVELOPMENT BANK

The bill clerk read the nomination of David M. Kennedy, of Illinois, to be U.S. Governor of the Asian Development Bank.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF TRANSPORTATION

The bill clerk proceeded to read sundry nominations in the Department of Transportation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the Department of Transportation be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Department of Transportation are considered and confirmed en bloc.

DEPARTMENT OF COMMERCE

The bill clerk proceeded to read sundry nominations in the Department of Commerce.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the Department of Commerce be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Department of Commerce are considered and confirmed en bloc.

INTERSTATE COMMERCE COMMISSION

The bill clerk read the nomination of Donald L. Jackson, of California, to be a member of the Interstate Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

OFFICE OF EMERGENCY PREPAREDNESS

The bill clerk read the nomination of James D. O'Connell, of California, to be an Assistant Director of the Office of Emergency Preparedness.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.



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WASHINGTON, THURSDAY, MARCH 13, 1969

No. 45

Senate

(Legislative day of Friday, March 7, 1969)

The Senate met in executive session at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, in whose perfect kingdom no sword is drawn but the sword of righteousness, and no strength known but the strength of love: So guide and inspire, we pray Thee, the work of all who seek Thy kingdom at home and abroad, that all peoples may seek and find their security, not in force of arms, but in the perfect love that casteth out fear, and in the fellowship revealed to us by Thy Son, Jesus Christ our Lord. Impart Thy higher wisdom to the Members of this body, to whom the people have committed the stewardship of peace, that in this moment of history they may clearly know Thy will and have courage to do it.

In Thy holy name, we pray. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on March 12, 1969, the President had approved and signed the act (S. 17) to amend the Communications Satellite Act of 1962 with respect to the election of the board of directors of the Communications Satellite Corp.

REPORT ON WORLD WEATHER PROGRAM—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I am pleased to transmit to you, in accordance with Senate Concurrent Resolution 67 of the 90th Congress, the first annual plan for United States participation in the World Weather Program. This document describes the long-

range goals of the World Weather Program and the activities in support of that program which have been planned by eight Federal agencies for Fiscal Year 1970. The budget figures shown in this report are consistent with those which appeared in the budget submitted to the Congress on January 15, 1969.

I commend this report to you and hope you will give it your careful attention, for it describes activities which can contribute in important ways to the quality of American life. The World Weather Program promises, for example, to produce earlier and more accurate weather forecasts than we now receive. It is also exploring the feasibility of large-scale weather modifications. Because so much of our social and economic life is significantly influenced by weather conditions, it is important that we encourage those advances in weather prediction and control which our scientists now foresee.

This project, and our role in it, also have great political significance. For the World Weather Program, growing out of United Nations initiatives in the early 1960's, has developed into a most impressive example of international co-operation. On a scale never attempted until this decade, scientists and governments in many countries are joining hands across national boundaries to serve the entire human community. Their example should be instructive for all of us as we pursue lasting peace and order for our world.

This report "talks about the weather," but it demonstrates that we can do far more about our weather than merely talk about it. I believe that the plans for American participation which are outlined here reflect the sense of both the Congress and the Executive Branch of our government that the United States should give its full support to the World Weather Program.

RICHARD NIXON.

THE WHITE HOUSE, March 13, 1969.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate sundry messages from the President of the United States submitting

sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

The VICE PRESIDENT. The Chair lays before the Senate the pending business, which the clerk will state.

The LEGISLATIVE CLERK. Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

The VICE PRESIDENT. The pending question is on the understanding offered by the Senator from Connecticut (Mr. Dodd). Under the unanimous consent agreement of yesterday, the time will be controlled by the Senator from Arkansas (Mr. Fulbright) and the Senator offering the reservation or understanding, to the extent of a 1-hour limitation.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that I may make the following requests, apart from the time limitation on the pending understanding.

The VICE PRESIDENT. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, March 12, 1969, be approved.

The VICE PRESIDENT. Without objection, it is so ordered.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

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The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW—ORDER VACATED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

(Later in the day, the Senate, in vacating the above order, ordered that the Senate stand in adjournment until Monday, March 17, 1969, at 12 o'clock meridian.)

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, again apart from the time limitation.

The VICE PRESIDENT. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 3 minutes, on my time, to the distinguished Senator from West Virginia (Mr. BYRD).

MAN TO WATCH

Mr. BYRD of West Virginia. Mr. President, one of the newcomers to Capitol Hill during the 91st Congress, the Honorable SPIRO T. AGNEW, Vice President of the United States, was the subject of an interesting article in the March 17 issue of the U.S. News & World Report.

That article was entitled "A New Kind of Vice President?" It might well have been entitled "Man To Watch."

Those of us in the U.S. Senate have had our special opportunities to observe the Vice President as he has fitted into the job of Presiding Officer of the Senate. And I believe it is a fair assessment to say that the manner in which he has discharged his duties has commended him to all of us.

The U.S. News & World Report article says it very well when it reports that the new Vice President is "gaining acceptance in Congress." We in the Senate appreciate the dignity and bearing with which he presides over the Chamber, and we have noted his conscientious efforts to carry forward his share of the daily work routine of the upper body of Congress.

Of greater substance, we have been interested to learn more of his views on issues of national concern, many of which must come before this body during the coming months of this congressional session. For this reason, I noted with particular interest the statement in the article that Vice President AGNEW "is reported to believe that relief, or welfare, is one of the most difficult prob-

lems in the country." I noted that the article stated that it has been said about Mr. AGNEW that "he has experienced poverty and prejudice and risen above them on his own merits." I noted that the article stated that he has repeatedly said that he is "for civil rights" and "against civil disobedience." I noted that the Vice President is reported to hold the view that "no President should tolerate violence," and that law and order means "the protection of the individual regardless of race or creed."

In gist, I noted some good, solid reports on the Vice President, and I recommend the article to the Members of the Senate for review.

Mr. President, I also call attention to the fact that the Vice President has presided 22 days since the inauguration. The Senate has been in session 22 days since the date of the inauguration. So far as my own observations are concerned, since I became a Member of this body over 10 years ago, the fact that the Vice President has been on the job as Presiding Officer of the Senate every day it has been in session since the inauguration of the President and the Vice President on January 20, a total of 22 days is somewhat of a record.

Moreover, I have been very favorably impressed by the manner in which the Vice President presides over this body and the manner in which he preserves decorum and order in this body. I merely wanted to take this moment to express my appreciation for the manner and dignity with which he presides, and to congratulate our Vice President, Mr. AGNEW.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article to which I have alluded.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPIRO T. AGNEW: A NEW KIND OF VICE PRESIDENT?

The Vice President is settling into his job in a different way from most of his predecessors.

One reason is that the job itself is not the same. A vice-presidential office in the White House is evidence of the expanded role assigned to the Government's No. 2 executive.

For Mr. AGNEW, service in Washington goes far beyond presiding over the U.S. Senate. In choosing Spiro T. AGNEW as his running mate last year, Richard Nixon said:

"My primary concern was to select a man who had the courage, the character and the intellect—not only to be Vice President—but also to be an effective President if the need arose."

The Nixon Administration has been in office now for almost two months. Yet few people seem to know very much about Mr. AGNEW, or what he is doing as the No. 2 man in the U.S. Government.

The Vice President is a 50-year-old lawyer who formerly served two years as Governor of Maryland and five years as chief executive of Baltimore County. Friends call him "Ted," after his middle name—Theodore. Associates describe him as "poised and controlled"—a man of dignity, fairness and common sense.

Mr. AGNEW is the first Vice President to have an office in the White House itself. His quarters have been set up in the West Wing, down a corridor from the President's Oval Room office.

In addition, Mr. AGNEW has a newly refurbished suite in the Executive Office Building—the rooms occupied by Lyndon Johnson when he was Vice President; the traditional vice-presidential offices off the Senate floor at the Capitol, and staff quarters in the new Senate Office Building.

SENATE DUTY

The Vice President's only constitutional duty is to preside over the U.S. Senate. Mr. AGNEW takes this duty seriously, has made a point of being in the presiding officer's chair at the opening of Senate sessions.

Often he steps down to the floor to talk to Senators. Having spent most of his prior government service as an executive, he says the legislative process "is a whole new world to me." Normally, he spends three or four hours a day on Senate business.

The Vice President cheerfully recognizes that his role is that of an "associate member," able to vote only in case of a tie. His main concern has been to win the trust and confidence of the lawmakers of both parties.

"A PLEASANT SURPRISE"

Veterans at the Capitol believe the new Vice President is gaining acceptance in Congress. He is the first man in 24 years to preside over the Senate without first having served as an elected member of that body—sometimes described as "the most exclusive club in the world."

A Republican Senator has observed: "AGNEW is a pleasant surprise. He is doing a whale of a job to cultivate the Senate. He has spent more time in the chair than his predecessor. He eats in the dining room at the Capitol—and I can't remember any Vice President doing that."

A Democratic Senator has commented: "AGNEW is a smooth politician. He knows how to talk to the Main Street American, and is proud of calling himself a middle-brow. He will beat the drums for Nixon all over the country. Democrats make a great mistake if they underestimate AGNEW."

Recently, former President Johnson was quoted as saying he believes that Mr. AGNEW is "underrated," and that "Nixon made a good choice."

By law or executive order, the Vice President is a member of the President's Cabinet and of the National Security Council, and vice chairman of the newly created Urban Affairs Council.

Moreover, Mr. AGNEW is head of the National Space Council, Council on Economic Opportunity, Council on Marine Resources and Engineering Development, Peace Corps Advisory Council, Indian Affairs Council, Cabinet Task Force on Youth Opportunity, and Council on Physical Fitness. He also attends White House congressional-leadership meetings and is a member of the board of the Smithsonian Institution.

Recently, President Nixon assigned Mr. AGNEW to work with the nation's Governors and mayors through a new Office of Intergovernmental Relations, with a 12-man staff directed by Nils A. Boe, former Governor of South Dakota.

Said a highly placed source:

"The Governors now feel they have an 'ambassador' in Washington. This new office should be helpful in bringing cooperation on domestic programs at all levels of government."

A GOOD RAPPORT

The Vice President feels that he has established a good rapport with President Nixon, whom he sees on an average of a couple of hours a day in various meetings. An official high up in the Administration describes their relationship in this manner:

"No President has ever been more considerate to his Vice President. They have the kind of mutual understanding that does not require constant consultation."

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If this oil refinery is built at Machiasport, once a ship goes outside of the Long Island Sound, and perhaps even in Long Island Sound, it is subject to being torpedoed.

Mr. MCINTYRE. Mr. President, I know that the Senator from Louisiana has broad shoulders. If I have said anything in my remarks to reflect on him personally, I am sorry for doing so.

What I was trying to say today was with reference to the big oil companies, whose arguments the Senator has so ably presented. If there was any personal reflection, I withdraw it.

Mr. LONG. Mr. President, I sought information about this matter from every agency of the U.S. Government which to my knowledge has any information about it, including the antitrust aspects of the matter. I sought information for the speech made here from the Interior Department and from the committees that have studied the matter. Information that I could not secure from these sources I sought from both the major and the smaller oil companies and independent producers. In addition the Library of Congress was consulted.

I also called upon my own personal knowledge of this industry, because I have both made and lost money in the oil business. I know what it is to drill a dry hole, and I know that there is even worse luck possible than drilling a dry hole.

So I do know something about the industry from firsthand exposure to it, and because in Louisiana we have raised more money from this industry—which has not endeared me to the oil companies—than we have from any other single source. I understand something about the problems of the industry and I also know something about the national security, because it has been my privilege to help to protect this great country as a serviceman and as a member of such committees as Armed Services, Foreign Relations, and Finance.

If Senators want to talk about investigating the oil industry, there is nothing new about that, either. I welcome that. They can investigate it until Congress runs out, and I will be pleased to learn whatever they can develop.

Mr. TOWER. Mr. President, today my distinguished colleague from Louisiana (Mr. Long) has presented the facts relevant to the Machiasport project. I wish to compliment him on his thoroughness and to commend him for bringing this matter to our attention today.

The mandatory oil import control program has one purpose, and that is to prevent a veritable flood of foreign oil from undermining the stability of our domestic oil and gas industry, an industry which must remain strong and capable of supplying all our energy requirements in a time of national emergency.

I must point out that despite the oil import control program, this Nation has experienced a steady deterioration in its inventory of recoverable petroleum reserves. Exploration for new domestic reserves is not keeping pace with increased demand. The cumulative result is a decrease in our national petroleum self-sufficiency and severe impairment of our national security.

Two World Wars, the Korean conflict, the Suez crisis of 1956, the Arab-Israeli war of 1967, and our current involvement in the Far East have proven beyond question the vital importance of petroleum self-sufficiency to our national security and to our independent survival in a world dependent on energy for existence.

We must recognize there are those persons in American industry who wish only financial advantage over their competitors, and they are willing to use the Foreign Trade Zones Act of 1934 as amended to gain such advantage. Such misuse of the act by any petroleum or petrochemical company might yield a short-term financial advantage for the company over its competitors but would surely result in permanent and severe damage to our petroleum self-sufficiency and impair our national security.

The regulations that govern the orderly and limited flow of foreign oil into the United States effectively channel the monetary benefit of the oil import license to the domestic producer through a broad distribution of oil import licenses to hundreds of refiners and petrochemical manufacturers located throughout the United States.

The creation of a few and then many refining and petrochemical foreign trade zones, with the immense pressure which they would exert upon the import program, would have the effect of removing the benefit of the oil import program from the domestic petroleum industry. The consequence would be to drastically accelerate the further deterioration of our domestic petroleum self-sufficiency and to jeopardize our national security.

I introduced a measure during the last session of the 90th Congress calling for a study of the oil import program. This study would reveal the exact administering of this program and give us the opportunity to make changes, if any, where necessary. President Nixon has seen fit to order a complete review of the oil import program. I am confident this review will proceed in an orderly fashion, and, after its completion, will produce guidelines for strengthening our domestic oil industry.

I wish to reiterate, in closing, that under no condition should any foreign trade zones be considered without viewing them in their entirety as to the effect they would have on our vital national oil industry.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification of the Nuclear Nonproliferation Treaty.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Are we in executive session?

The PRESIDING OFFICER. We are still in executive session.

Mr. FULBRIGHT. Mr. President, by

previous arrangement, I agreed to respond to some questions to be propounded by the distinguished Senator from Virginia.

Mr. SPONG. Mr. President, I should like to clarify several points concerning the relationship between the treaty now before the Senate and the North Atlantic Treaty Organization. I would, therefore, propound these questions to the distinguished Senator from Arkansas.

It is my understanding that, under the treaty, the United States would still be able to place nuclear weapons on the lands of our NATO allies so long as the United States retained final control over the use of those weapons. Is my understanding correct?

Mr. FULBRIGHT. The Senator's understanding is correct. I think it is important to point out that this treaty speaks about actions which are prohibited, and not about those that are permitted. It does not undertake to outline everything that is permitted. It does prohibit the transfer of nuclear weapons and materials to a nonnuclear nation. It does not deal with, and therefore does not prohibit, the United States from placing nuclear weapons in the territory of a NATO ally so long as the United States retains control over the use of these weapons.

Mr. SPONG. Is it also correct that this is the current policy of the United States? In other words, do we not currently follow a policy whereby nuclear weapons are stationed in NATO countries but whereby the United States retains final control over their use?

Mr. FULBRIGHT. Not only is it our policy, but also, it is the law. The law—the McMahon Act—prohibits the transfer of control of nuclear weapons to other countries, and this treaty in a sense merely confirms the law and the legislative intent of Congress.

Mr. SPONG. There is discussion within the NATO alliance, with which the Senator is perhaps familiar, of use of a maritime contingency force in the Atlantic. Would the same policy regarding nuclear weapon which is applicable on land under the treaty be applicable to naval operations? In other words, would it be permissible, under the treaty, for the United States to provide the participating vessels with nuclear weapons so long as the United States retained final control over their use?

Mr. FULBRIGHT. The Senator is correct. The control by the United States upon the use of the weapons is the determining factor, and it is retained.

Mr. SPONG. In 1966, NATO established a Nuclear Planning Group for planning and discussing policy related to the use of strategic nuclear weapons. Is it the Senator's understanding that the treaty would in no way impinge upon the activities of this group?

Mr. FULBRIGHT. Most certainly, it is. It does not deal with the planning or consultation of our allies.

Mr. SPONG. Other than restricting the actual possession of nuclear weapons and the development of such by our NATO allies who now do not have such weapons, is there anything in the treaty which would restrict our NATO allies

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from assuming a greater role in the alliance?

Mr. FULBRIGHT. No, there is no restriction on our NATO allies from assuming a greater role, unless they envision that role as acquiring the control of nuclear weapons themselves from the United States. There is a restriction in that sense.

Mr. SPONG. So far as the committee was able to determine, have the NATO members been fully consulted concerning the provisions of the treaty?

Mr. FULBRIGHT. They certainly have. This treaty was under negotiation approximately 4½ years, and at every stage in these negotiations the NATO members were fully consulted concerning the provisions of the treaty. Moreover, some of them participated in the drafting of the treaty. Secretary Rogers, Secretary Laird, and General Wheeler also reiterated the statements of previous administrations that the treaty is consistent with the best interests of the North Atlantic Treaty Organization. Secretary Rusk told us that the United States had worked closely with those allies in the formulation of the treaty and that our allies were fully satisfied with the treaty and it in no way would jeopardize the alliance. I think the committee thoroughly agrees with that evaluation.

Mr. SPONG. I have read conflicting reports as to what would happen under the treaty should Europe unite. One report suggested that a united Europe could assume the same nuclear status which was previously held by one of its components. In other words, if Europe united with either France or Great Britain as part of the new union, the new union could become a nuclear power, succeeding the individual country which had been one. I believe that this was former Secretary of State Rusk's view. I have, however, also read an interpretation which suggests that the nuclear power joining the union would have to retain final control over the weapons. I assume that the committee adheres to Mr. Rusk's view. Is that correct?

Mr. FULBRIGHT. Yes; that is correct. The committee adheres to this view. Although the treaty does not deal with the problem of European unity, we were given to understand that a new federated European state could inherit the nuclear status of one of its former components. This new federated European state would have to control all of its external security functions, including defense. This interpretation, to which the committee subscribes, is part of a question and answer series included in the hearings of last July, on pages 262 and 263. I suggest that the Senator read that, if he wishes to do so.

Mr. SPONG. I am familiar with them; I have them here.

Mr. FULBRIGHT. I might also say that the committee was told by Secretary Rogers that the Soviet Union, as well as other States, has been given the series of questions to which I have referred, and that they have expressed no objection.

Mr. SPONG. Finally, I should like to turn for a moment to the inspection provisions of the treaty. Many questions can, of course, be raised with regard to title III, the inspection title, of the treaty. I

would, however, like to focus on one aspect at this time. The treaty leaves open for negotiation between the International Atomic Energy Agency—IAEA—and Euratom an agreement on safeguards within the Euratom nations. The Euratom or Common Market nations, which include many of our NATO allies and France, apparently feel that their safeguards are comparable to those advanced by IAEA. I note in the committee report that certain witnesses were "optimistic" as to chances for the two agencies being able to reach agreement. I am not certain, however, that I share this optimism and I wonder if the Senator could tell us a little more about its source, especially in light of the fact that France may not agree to the treaty.

Mr. FULBRIGHT. Of course, nobody can guarantee that these countries will agree, and no one can guarantee that Euratom and IAEA will reach this agreement. I do believe, however, that the committee looked at this very closely and that these safeguard systems, which are presently used by these two organizations, are compatible. There is no great divergence between them other than their geographical responsibility, and I believe there is a very good opportunity and probability that they will agree.

I hesitate to say that I am optimistic about anything these days, whether it is foreign or domestic. But the significance of this and the danger of not having some restrictions upon the spread of these weapons is such that I think there would be great pressure upon Euratom and IAEA to resolve any differences.

As for France, the committee was told that France does not intend to put any barriers in the way of agreement between Euratom and the international organization, although the French have said they do not intend to sign the agreement. I do not know how seriously it might be said that the French never will. At the present time, their attitude is against doing so. There have been changes in other situations involving France in the last year or two; and these situations also lead to changes in their political attitudes in matters such as this.

The alternative of inadequate control is so threatening that I believe the chances are we can resolve these differences and agree on an inspection program for Europe.

Mr. SPONG. I thank the distinguished chairman of the Committee on Foreign Relations. I know that many Senators share my concern about the effect of the treaty upon the North Atlantic Treaty Organization should it be ratified. I felt that these questions and answers should be in the record of this debate. I thank the Senator very much.

Mr. FULBRIGHT. I thank the Senator. He has rendered a real service in bringing up these questions. There are many ways to clarify these points. I think the procedure the Senator has followed is a very effective one.

Those of us who deal with these matters in committee sometimes overlook or forget the best way to approach some of these questions. We think we have covered the matter as well as we could, but I believe this is a good way to develop these important points, and I appreciate the Senator's contribution.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, as in legislative sessions, will the Senator yield to me so that I may dispose of one or two small matters?

Mr. FULBRIGHT. I yield.

S. 1522—INTRODUCTION OF A BILL TO ESTABLISH GRADUATED MINIMUM INCOME TAX

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill which would establish a graduated minimum income tax, two new types of reports from the Secretary of the Treasury with respect to the cost of tax preferences, liberalize the general and minimum standard deduction to reduce the impact of the tax system on low- and middle-income taxpayers and would reduce the tax advantages presently accorded to minerals, especially for gas and oil.

In order to provide a fuller explanation of the various provisions of the bill, I ask unanimous consent to have printed in the Record the full text of my testimony this morning before the House Ways and Means Committee on this subject.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The bill will be received and appropriately referred; and, without objection, the statement will be printed in the Record.

The bill (S. 1522) to amend the Internal Revenue Code of 1954 so as to impose a minimum income tax on persons now allowed certain exclusions and deductions from gross income, to increase the amount of the general standard deduction and the minimum standard deduction allowable to individuals, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Finance.

The statement, ordered to be printed in the Record, is as follows:

STATEMENT BY SENATOR JAVITS BEFORE THE HOUSE WAYS AND MEANS COMMITTEE REGARDING TAX REFORM, MARCH 12, 1969

MINIMUM INCOME TAX: FIRST STEP TOWARDS TAX REFORM

I am honored to have the opportunity to appear before this Committee during its deliberations on tax reform. Congress should come to grips with the tax reform issue this year. At a time of heavy federal, state, and local tax burdens, the American public is greatly concerned about the significant inequities remaining in the tax code.

Tax reform is particularly urgent this year because Congress will have to act before June 30 on whether to extend the tax surcharge. Whether or not there are economic justifications for its extension, it would be extremely difficult to go before the American people and ask them to support this tax, unless they have assurance that there also will be meaningful tax reform this year. A more desirable objective would be to report out tax reform legislation simultaneously with the tax surcharge bill. I believe this is possible, especially if the Committee would begin tax reform by approving a minimum income tax proposal.

Also tax reform actions are needed if we are to consider tax incentives for such vital purposes as retraining the hard core unemployed and rebuilding the slums. If Congress finds that such tax incentives are useful and compatible with the basic purposes of the tax code—and I believe they are—it is

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essential that they be added to a tax code which has been freed of substantial inequities.

I am aware that tax reform cannot be accomplished quickly or without a great deal of stress. A new balance must be struck among many powerful interest groups in our society, and that is never an easy task.

However, the process of reforming our tax code has already begun. As a result of an amendment to the Revenue and Expenditure Control Act of 1968, which I had the honor to sponsor last year, the Treasury early last month published comprehensive proposals for tax reform. While this report was not endorsed by President Johnson, it has already exerted great influence in shaping opinion within Congress and by informing the American public of the specific problems that require urgent correction.

I would like to concentrate my testimony on the need for a minimum income tax, and describing my own proposal for such a tax. I will also discuss briefly the other provisions of a tax reform bill which I will introduce in the Senate today, namely: the requirements for an annual report from the Secretary of the Treasury indicating the cost of tax preferences to the Treasury and for a report from the Secretary of the Treasury showing a comparison of tax expenditures with budgetary expenditures; modifications in the general and minimum standard deduction to reduce the impact on low and middle income taxpayers, and reductions in advantages presently accorded to the oil and gas industries.

Minimum income tax

A minimum income tax is needed today because there are too many people in high income brackets who, because they receive the bulk of their income from sources presently excluded from the Federal income tax, pay little or no tax. As a result of the preferential treatment given to certain types of income, individuals in the same income bracket but with different sources of income have substantially different tax liabilities while most other taxpayers must pay a higher tax burden to provide the Federal Government with needed revenue.

In 1966, there were 51 individual tax returns filed with the IRS with adjusted gross incomes of \$500,000 and over, and representing adjusted gross incomes of \$82 million on which no Federal income tax was paid.

In the same year, 34,000 individuals filed tax returns with adjusted gross incomes in excess of \$10,000 and paid no Federal taxes. The combined adjusted gross income of these individuals was almost \$700,000,000.

In 1965, one U.S. oil company with a net income of \$105 million paid no Federal income tax at all.

In principle, Congress should face up to tax preferences—the so-called “loopholes”—and reduce them in the light of new standards of fairness and equity. But this cannot be accomplished quickly or easily, because on examination, some of these preferences may be found desirable to retain for social or economic reasons. When a taxpayer is in the position to take advantage of a great number of these preferences at one time, the resulting cumulative effect is the real inequity in our tax system. As an interim step, therefore, a minimum tax—below which tax liabilities would not be permitted by reason of these preferences—should be introduced into the system.

My proposal for a minimum income tax covers individuals as well as corporations, and it takes account of the 10% tax surcharge. The minimum would apply only when it exceeds the tax payable under present law. My proposal has the same objective as the minimum income tax proposed by the Treasury Department in its recent Studies and Proposals, with roughly the same revenue effect as far as individuals are concerned: a tax increase for some 40,000 taxpayers resulting in about \$400 million of additional

tax. The Treasury has not yet been able to give me an estimate of the revenue effects of my proposal on corporations. My proposal differs from that of the Treasury in that it is simpler and more predictable.

This is the way my proposal would work:

1. The taxpayer would start with his taxable income as computed under present law.
2. He would add together five specific existing exclusions and deductions which, under my bill, are included in the tax base for minimum tax purposes. The five items to be included for minimum tax purposes are (a) interest exempt under present law on State and local bonds less expenses and interests allocable to such interest, (b) depreciation taken on real property to the extent it exceeds straightline depreciation, (c) depletion deducted to the extent it exceeds cost depletion, (d) the capital gains deduction, and (e) charitable contributions which exceed 30 percent of adjusted gross income. If the total of these five items is less than \$2500 (\$5000 in the case of a husband and wife filing a joint return) no further minimum tax computation would be required. If the total of the five items exceeds these limits, the next step will be taken.
3. The taxpayer would reduce the total of the five items by \$2500 (or by \$5000 in the case of a husband and wife filing a joint return) and add the result to this taxable income under present law. The sum would be his minimum taxable income.
4. The minimum-tax taxable income arrived at in Step 3 would be multiplied by the minimum tax rates which would be 10 percent of the first \$30,000, 20 percent of the next \$70,000 and 30 percent of the remainder.
5. The result would be the minimum tax which, if it exceeds the tax due under present law, would become the tax in lieu of that otherwise imposed.

These are the principal differences between my bill and that in the Treasury proposals:

1. The minimum-tax taxable income base, under my bill, includes charitable deductions only where the unlimited charitable deduction has been used. The Treasury's proposal calls for inclusion of the appreciation in value of donated property.
2. The minimum-tax taxable income base, under my proposal, is computed with taxable income as a starting point, rather than adjusted gross income, as proposed by the Treasury.
3. If the five income items to be included in the minimum tax base are less than \$2500 (\$5000 in the case of a husband and wife filing a joint return) no further minimum tax computation is required. Under the Treasury proposal, all the remaining steps would be required.
4. If the five income items to be included in the base exceed \$2500 (\$5000 in the case of a husband and wife filing a joint return), the minimum tax base is arrived at by reducing the total of the five items by \$2500 or \$5000, as the case may be, and adding the result to taxable income under present law. Under the Treasury proposals, the unreduced five income-tax items would be added to present law adjusted gross income. The result then must be reduced by personal exemptions and personal deductions with the added feature of an optional \$10,000 standard deduction to replace the personal deductions (standard or itemized) taken in the computation of taxable income under present law. This calculation is avoided under my proposal not only to achieve simplicity, but also to avoid surprising and unintentional effects.

Such effects would occur, for example, in the case of two taxpayers with equal minimum tax adjusted gross incomes and personal exemptions, one of whom had \$9000 of itemized deductions and the other \$4000 of itemized deductions. The new \$10,000 stand-

ard deduction would be useful to the minimum tax computation, but would give more protection from minimum tax to the latter taxpayer than it would to the former. This would be an irrational result which is avoided under my bill.

New information from the Secretary of the Treasury

My bill also would call for two new types of information to be provided as a regular part of the Secretary of the Treasury's annual report: (1) Estimates of the losses in revenues resulting from income presently excluded from tax under the Internal Revenue Code, from deductions allowed under the Code, from the deferral of the imposition of the taxes imposed by the Code and such other special tax provisions of the Code and other laws as the Secretary of Treasury considers appropriate.

(2) Estimates of how much the government subsidizes such areas as housing, agriculture and natural resources through the income tax laws as compared to direct expenditures through the Federal budget.

Publication of the first type of information is needed to make the public aware of the cost of tax preferences to the Treasury, thereby calling the attention of the Congress to take appropriate action where needed.

For example, such a report might analyze the continued usefulness of such important exclusions and deductions as those which I have included in the minimum income tax base that I am proposing. The cost of these preferences in terms of Federal revenue are as follows:

Interest exempt under present law on State and local bonds less expenses and interests allocable to such interest—\$1.8 billion;

Depreciation taken on real property to the extent it exceeds straight-line depreciation—\$500 million;

Depletion deducted to the extent it exceeds cost depletion—\$1.3 billion;

The capital gains deduction (individual and corporation) \$5 billion;

Charitable contributions which exceed 30 percent of adjusted gross income—\$45 million.

Also this type of a report would include information such as the impact of married couples filing joint returns on the tax system which would not be included in the second type of report my bill calls for.

The second type of information would be extremely valuable to Congress, and to the Executive Branch by permitting a clearer insight into the allocation of public resources. The Treasury made a first attempt in this direction when Secretary Barr provided some of this data in his testimony before the Joint Economic Committee on January 17, 1969. The Treasury is to be commended for this, and my bill would ensure that such information will be made a regular part of its Annual Report.

Increase in general and minimum standard deduction

These provisions of my bill are identical to the changes proposed by the Treasury and are included because I believe that the tax burden on taxpayers earning under \$5,000 and those earning between \$5,000 and \$15,000 is unduly high and should be reduced. These two groups of citizens have carried an inordinate share of the burden for too long.

To help low income taxpayers, my bill would increase the minimum standard deduction from the present \$200 plus \$100 for each allowable exemption to \$600, plus \$100 for each allowable exemption, subject to the same overall limit of \$1,000 that exists under present law. The Treasury estimates that this provision would put into nontaxable status 1 1/4 million families and reduce the tax liabilities of an additional 1 million families in poverty states who are presently subject to Federal income taxes. The resulting loss in revenue would be \$1.13 billion.

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To increase the equity of middle income taxpayers my bill would raise the general standard deduction to 14% of adjusted gross income with a ceiling of \$1,800 from the present 10% of adjusted gross income with a ceiling of \$1,000. The change would result in about 80% of taxpayers using the standard deduction rather than itemizing their deductions, thereby simplifying record keeping and calculating tax liability for millions of taxpayers and also reducing the auditing problems of the Government. The revenue cost of this reform would be \$1.4 billion.

Limitations on intangible drilling cost deduction and on percentage depletion rates

My bill proposes to modify the tax treatment of minerals, particularly oil and gas, in two respects: It would gradually, over a five year period, limit the intangible drilling and development costs deduction to 30% of such costs paid or incurred and it would limit percentage depletion rates after a three year transition period to 20%.

The Treasury Department has given me the following estimates of the revenue effects of these proposals:

Limitation on Deduction of Intangible Drilling and Development Costs will increase tax revenues by:

	[In millions]	
First year	-----	\$75
Second year	-----	140
Third year	-----	200
Fourth year	-----	280

Limitation of Percentage Depletion Rates will increase tax revenue by:

	[In millions]	
First year	-----	\$110
Second year	-----	225
Third year	-----	350

Therefore, when in full effect, the first modification would increase tax revenues by \$280 million while the second change would increase revenues by \$350 million.

I support modification of the tax advantages presently enjoyed by the oil and gas industry principally because I believe that this industry should carry a higher tax burden at a time when millions of Americans are asked to pay higher taxes to pay for the cost of government services. I have supported such a modification in the past on the ground that if the industry would agree to a moderate increase in its federal tax liabilities as I now recommend, it would improve its position in the eyes of the American people without threatening its ability to explore new reserves.

I am aware of some of the literature on this subject, including the supplemental material included in the Treasury's tax reform report on the tax treatment of minerals. I am persuaded by this evidence that this Committee has adequate grounds to explore carefully whether or not there remain adequate justifications from the point of view of the national interest to continue at present levels the two principal benefits now specially available to the oil and gas industry.

Let me make my position clear. I am not advocating that these tax advantages be eliminated. I believe that the oil and gas industry performs a vital function in the American economy and for national defense. I contend only that, at this time, they should carry a somewhat heavier tax burden.

Although a minimum income tax is the keystone of my tax-reform proposals, I firmly believe that all my recommendations should be implemented to eliminate the worst inequities of the federal tax system.

THE 50TH ANNIVERSARY OF THE AMERICAN LEGION

Mr. JAVITS. Mr. President, it is appropriate that the Congress should pause in this month of March 1969, to express

its congratulations to a great organization commemorating its golden anniversary—the American Legion—and adopt Senate Resolution 163. Since the first meeting of the American Legion, held in Paris, France, 50 years ago this March 15, the Legion has contributed through its various programs a great deal to the welfare of our Nation.

The American Legion has achieved a magnificent record in its legislative activity and direct service to those men and their families who have sacrificed so much for our country. The Legion has moved effectively in the Congress to strengthen and extend veterans' benefits programs—compensation and pension, education and training, hospital and medical care, and vocational rehabilitation. As the Legion looks ahead to 1969—its 50th golden anniversary year—I am confident it will strive to seek to determine what further can be done to broaden and improve patriotism, service to the Nation and to its veterans.

The Legion's legislative accomplishments and personal service to veterans and their dependents serves as a living memorial to the sacrifice offered by those brave young Americans who fell in battle at Belleau Wood, Anzio, Pork Chop Hill, and most recently on the bloody ground around Khe Sanh, to many other shrines to their valor.

As a fellow Legionnaire, as are more than half of the Members of Congress, I say with pride: Congratulations to a great American institution, the American Legion on its golden anniversary.

FOLLOWUP ON U.S. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Mr. FULBRIGHT. Mr. President, as an early and strong exponent of the multilateral way of foreign assistance, I found the recent report of the Comptroller General entitled "U.S. Participation in the World Health Organization" somewhat disconcerting.

To illustrate, I ask unanimous consent, as in legislative session, that the GAO's own summary be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS ON U.S. PARTICIPATION IN THE WORLD HEALTH ORGANIZATION, JANUARY 9, 1969—EXCERPT

FINDINGS AND CONCLUSIONS

GAO found that executive agencies have not obtained the specific analytical information relative to proposed and continuing WHO projects and programs needed to identify programs whose justification may be questionable or which could be accomplished with greater economy and efficiency. Budget and operational data furnished to members by the WHO Secretariat has been too sketchy and incomplete to make firm assessments regarding implementation of WHO projects and programs.

The United States has no systematic procedure for evaluating WHO projects and programs. Those attempts which have been made by the United States and by the United Nations agencies have fallen far short of what is required by United States officials to make independent judgments relative to the

efficiency and effectiveness of WHO operations.

The General Accounting Office (GAO) does not, nor do I, suggest that the World Health Organization (WHO) is worthless. However, the GAO concludes on the basis of information available to it that it is most difficult to determine how worthwhile WHO programs and projects are and to what extent they serve not only U.S. interests but the interests of other members of the organization as well.

If the GAO study of the World Health Organization indicates conditions that exist in other international organizations it would seem that the flow of information to member governments must be improved. If the U.S. and other members are to place greater reliance on international organizations and if more aid is to be channeled through them, then the constituent governments must have the means to assure themselves that these agencies are effective.

I was encouraged to note in the GAO report that the Executive Branch and officials of the United Nations are aware of this problem and taking steps to bring it under control.

Implicit—but not explicit—in this GAO report (the first of a series) is the thought that what is everybody's business, is nobody's business. It behooves responsible officials in all member governments to exercise reasonable oversight of these institutions which hold so much potential good for mankind.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ERVIN. I direct attention to article VI on page 4 of the message of the President.

Mr. FULBRIGHT. Yes.

Mr. ERVIN. Article VI states:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

My question is: Have the United States and Soviet Russia not been engaged in negotiations on these matters for a number of years at Geneva, Switzerland?

Mr. FULBRIGHT. There have been discussions in Geneva between our representatives, under Mr. Foster's leadership. They had a variety of matters before them. The first product of significance from the Geneva meetings was the Limited Test Ban Treaty, and now this treaty. I am sure, although I was not present, that the question in article VI has been raised. We ourselves some time ago suggested that we should have negotiations on this matter. It is my understanding that last summer President Johnson was about ready to announce a high-level meeting on this subject when the situation in Czechoslovakia occurred, and that caused the delay.

I would say yes; the answer is "Yes." And I am sure at lower levels than the presidential level there have been discussions.

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Mr. ERVIN. Over a great period of years have not there been discussions on this very subject?

Mr. FULBRIGHT. I do not know how to answer. I am sure this subject has been part of the discussion because their representatives and ours have been meeting in Geneva for many months for a number of years. I was not there, but I am sure the subject was brought up but did not get anywhere—not yet. During the last 4½ years, this particular treaty has been their main preoccupation. But I am quite sure, with reference to that area, that they talked about what is in article VI.

Mr. ERVIN. I would like to invite attention to the second sentence or clause of subsection 2 of article IV on page 3, a little below the middle of the page:

Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

Am I correct in interpreting that as a promise on the part of the United States to assist all nonnuclear nations that may adhere to this treaty in the development of atomic energy for peaceful uses?

Mr. FULBRIGHT. I would not say it as a flat and unqualified statement, as the Senator put it. I would put it a little differently: That the parties, particularly nuclear powers—which, of course, it has reference to—do agree to be of assistance to the nonnuclear powers for peaceful purposes so long as we, for example, believe this would be consistent with our own national interest. I do not think this is an absolute commitment to be of assistance.

This was gone into and there is a letter from the chairman of the Atomic Energy Commission, and it was discussed at length, to the effect that this is on a basis of consideration to us. It is not a grant. If we undertake to help a non-nuclear power with some peaceful development of atomic energy they will agree to pay us.

On page 10 of the report of the committee the Senator will find Dr. Seaborg's letter on behalf of the administration as to their attitude toward this section.

Mr. ERVIN. Normally, the word "contribute" means giving without monetary or other recompense. That is the primary use of the word "contribute."

I would like to ask the Senator whether in this sentence we are discussing in article IV the word "contributing" has reference to promising to give to these nonnuclear nations assistance in developing nuclear energy for peaceful purposes, and that it implies it is to be done without monetary or other considerations.

Mr. FULBRIGHT. I do not so interpret it at all. What the Senator is talking about here is not unique, but a very restrictive element: nuclear materials. I do not think the word "contribute" has the same connotation as when one contributes to the Red Cross or a charity, when talking about money.

It is not intended to mean and does not mean, in my opinion, that we will give to them this assistance without cost. We will make it available on a cost basis, which is made clear by Dr. Seaborg in his letter.

The Senator from Vermont (Mr. Aiken) raised that question. In fact, it was his concern last summer, as I understand it, and during the course of succeeding months, it was clarified to his satisfaction, and to the committee's as well, that this would not be a grant program of nuclear materials but that we would be reimbursed on a cost basis for whatever we may furnish for peaceful uses.

Mr. ERVIN. Does not the Senator believe that each nonnuclear nation which may adhere to the treaty could interpret this second clause of the second section of article IV to be a clause which means that the United States as a nuclear power obligates itself to assist them in the development of atomic energy for peaceful purposes?

Mr. FULBRIGHT. If the phrase had "contributing without cost," I think they would. But, in the absence of that, they have no reason or justification to make such an assumption.

Mr. ERVIN. Does the Senator agree or disagree with the Senator from North Carolina that in interpreting a written document, a word is normally interpreted to have its primary and usual meaning?

Mr. FULBRIGHT. I say, in connection with nuclear weapons and nuclear materials, that I do not think it has any such primary or usual meaning. I think the Senator is reading into this the usual meaning when we are talking about a contribution to a charity.

Mr. ERVIN. I think the primary meaning of "contribution" is to contribute something, such as making a gift.

Mr. FULBRIGHT. I do not know.

I think the Senator, for example, makes a great contribution to the discussion of anything on the floor of the Senate. When he does that, I do not say he is making a gift because he is being paid for it, the same as I am.

It would be common to use that word in connection with the Senator's great talents when he contributes to the enlightenment of the Senate, when we use that word. These words do not have any formal meaning. The Senator is a great master of discussion, in matters of elucidating and confusing the meaning of a word. Here he is trying to confine it to one aspect, but if we use it in connection with the Red Cross, say, then I agree, it has no meaning, but when used in the sense of service to the Senate, it is not being done for nothing. It is not free.

Mr. ERVIN. In other words, the Senator takes the position that the word "contribution" means one thing when making a contribution, another thing when, say, we are fixing up our income tax return, and yet another when we make treaties with other nations?

Mr. FULBRIGHT. Since the Senator brings in the income tax, we contribute to the support of the Federal Government by that and I do not consider that to be without cost. We contribute because we have to and because we pay for all kinds of services.

Mr. ERVIN. The word "contribution" as used on the subject of income taxes is in contributing to the Federal Government; that is, to keep ourselves tax free.

Mr. FULBRIGHT. The Senator is not talking about charitable contributions. I do not think the Senator is trying to say that a word has a single meaning under all circumstances, would he, like the word "fast"? Sometimes we tie things fast to a post, and sometimes we run fast. In that connection?

Should that word always mean running fast, or should it sometimes mean tying things fast to a post?

Mr. ERVIN. So does the word "contribution." As someone said, "I shall be present at a particular time and place and I shall present you with a present."

Mr. FULBRIGHT. That is right.

Mr. ERVIN. I am trying to find out what the word "contribution" means.

Mr. FULBRIGHT. I am trying to make it clear in this discussion which the Senator is raising, that this certainly gives a very clear legislative history. Furthermore in the report of the committee, to which I have referred, and in the official letter from the chairman of the Atomic Energy Commission speaking on behalf of the administration, the matter is clarified, is it not?

Mr. ERVIN. Certainly, the testimony of Dr. Seaborg does, but it is not a part of the treaty.

Mr. FULBRIGHT. No, but it contributes to the understanding.

Mr. ERVIN. Gives an opinion about it.

Mr. FULBRIGHT. Well, the Senator gives his. I give my opinion, and the Senator from Vermont (Mr. Aiken) has given his. The committee has given its opinion, also.

Mr. ERVIN. That is the reason I was somewhat perplexed by the Senator's opposition to my proposal that the Senate—along with Dr. Seaborg and General Wheeler, the Secretary of State and the Committee on Foreign Relations—should not have the right to give its interpretation.

Mr. FULBRIGHT. I said to the Senator that I did not object to the sense of his reservation. That is was largely a procedural matter. It is like one of these other reservations which are interpretations, and I agree should be included in the report. The signatories to the treaty should see them. But I think it is very inappropriate to attach such a statement to the resolution of ratification because it creates misunderstandings and raises questions where there is no need to do so. If there is a really substantive change that the Senator from North Carolina—or any other Senator—wants to make, and he offers a reservation, then that is a proper reservation and should be voted on its merits. I did not oppose what the Senator said yesterday on its merits. I just think it would confuse the situation and the fact that it did not change the meaning, it seems to me, would be misleading.

Mr. ERVIN. Let me ask the Senator if he can cooperate with me in my desire to let the Senate give its interpretation to the treaty in a way that will not have to be attached to the treaty, that I would offer a resolution—it would not be a reservation, it would not be an understand-

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ing—but it would be an interpretation by the Senate in the form of a sense of the Senate resolution, that—

That it is the sense of the Senate that the United States, by entering into the treaty on the nonproliferation of nuclear weapons, does not obligate itself to use its armed forces to defend any non-nuclear weapons state, or any member of the United Nations against any acts or threats of aggression even if such acts or threats are accompanied by the use or threatened use of nuclear weapons—

I make this addition because of the argument made by the Senator—and that such Treaty does not affect in any way any obligation assumed by the United States under any other treaty or the Charter of the United Nations.

Mr. FULBRIGHT. Would the Senator please read the last part again? I raised that question yesterday.

Mr. ERVIN. Yes.

Mr. FULBRIGHT. I raised the question about the effect upon our NATO allies. I certainly do not see any reason which would cause them to feel we are renegeing on our obligations under NATO.

Mr. ERVIN. The first part of this proposed sense-of-the-Senate resolution states in substance what was in my reservation, and adds this—which I frankly state was suggested to me by the argument of the distinguished Senator:

And that such treaty does not affect in any way any obligation assumed by the United States under any other treaty or the Charter of the United Nations.

Mr. FULBRIGHT. Offhand, I do not see any objection to it. If the Senator is offering it as a separate resolution, as a sense of the Senate, at the moment I do not see any objection to it. It would not, as I understand it, be submitted to the signatory nations. They would have to look at it and decide what it means and be able to say, rightly, what this does, that it is a sense of the Senate only, and I personally, at the moment, cannot see any objection to it.

Mr. ERVIN. I wonder whether the Senator—

Mr. FULBRIGHT. I cannot accept it as a part of the treaty. The Senator knows that.

Mr. ERVIN. So that I can get it before the Senate, I should like to make a unanimous-consent request that the Senate return for a moment to legislative business, and that I be permitted to offer this proposed sense-of-the-Senate resolution and ask for its immediate consideration. I recognize the right of the Senator to object to its immediate consideration and then it could go over and be printed and be made available to all Senators, or perhaps be acted on before we reach the pending business tomorrow on the treaty.

Mr. FULBRIGHT. Well, I really do not have any objection. I hesitate to agree without the majority leader's being here. I do not know whether he has any views on this. He is a ranking member of the committee. Could the Senator forgo it a minute? I do not have any objection to it. I would not want to foreclose the Senate from having an expression of what I believe to be the truth. We certainly do not want to obligate ourselves to give away this

or that, but I also do not want to raise suspicions about our obligations.

Mr. ERVIN. My point was to have it printed and available for Senators.

Mr. FULBRIGHT. I have no objection to that.

Mr. ERVIN. If the Senator prefers, I will withhold it for the time being, before making the request, but I wanted to have it printed.

Mr. FULBRIGHT. I have no objection to that. The Senator does not want to precipitate an argument about it today?

Mr. ERVIN. No.

Mr. FULBRIGHT. I have no objection.

Mr. ERVIN. I want to afford all Senators an opportunity to read it.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. I have asked the minority leader to be notified to come to the floor, to be advised of any developments in this matter. I believe it would be advisable to have his view.

Mr. FULBRIGHT. I do not see any objection. It is a perfectly proper request to have it clarified. That is what the Senator is trying to do.

Mr. ERVIN. Mr. President, if it turned out that there was no opposition to it, the procedure would permit the resolution's being voted on before we took up the pending business, as I understand the rules.

Mr. FULBRIGHT. In view of the statement of the Senator from Arizona, why does not the Senator from North Carolina defer the request a few moments, and then go back to it?

Mr. ERVIN. I was going to say that, in view of the statement of the Senator from Arizona, I will defer this matter.

Mr. GOLDWATER. Mr. President, I may say that the minority leader is on his way here. It will be only a matter of a moment or two.

Mr. President, needless to say, I have followed the Senate debate on the resolution to ratify the Treaty on Nonproliferation of Nuclear Weapons with a great deal of interest. And because I intend to vote against ratification of this treaty, I wish to outline my position in some detail.

To begin with, let me say that this treaty has been somewhat misrepresented to the American people. I find that many of our citizens believe that the ratification of this treaty would somehow end—or slow down—the arms race and constitute a giant step toward world peace. It would, of course, do neither.

Nothing in this treaty will prohibit any of the nuclear states now possessing nuclear weapons from enlarging their inventories, increasing their weapons yield, or from placing weapons in friendly countries, provided, of course, that control remains with the nuclear nation.

Mr. President, I want it clearly understood at this time that I yield to no man in my heartfelt desire for world peace and in my great yearning for genuine, multilateral disarmament with adequate inspection procedures. This is a desire that all men of good will share equally. It does not belong exclusively to those people who urge ratification of this treaty and promote the idea of possible accommodation with the Soviet Union and

other nuclear states. And I hasten to underscore the fact that this treaty has no important bearing on this kind of disarmament.

It does not prevent the United States, Russia, France, and China from pursuing an all-out quest for more and bigger and more powerful nuclear weapons. It does nothing to reduce the present level of nuclear weapons. It provides no machinery whatsoever to check on whether the nuclear powers cheat and secretly send atomic weapons to nonnuclear nations.

Mr. President, I am greatly impressed with what this treaty will not—let me repeat, not—accomplish. Permit me, if you will, to list a few of the additional things it will not do:

First. It will not guarantee that the number of nuclear weapons will be reduced.

Second. It will not guarantee that the 100 nonnuclear nations which are expected to sign this treaty will not change their minds at some later date.

Third. It will not have any effect on any of the so-called "threshold" nations which today stand on the brink of developing their own nuclear potential and which have all refused to sign the treaty.

Fourth. It will not guarantee disarmament talks with the Soviet Union, even though article 6 of the treaty calls for the pursuit of such negotiations "at an early date."

Fifth. It will not stop the Soviet Union from continuing to deploy its anti-ballistic-missile system.

Sixth. It will not really halt the proliferation of nuclear weapons.

Mr. President, it does not surprise me that most of the threshold nations have refused to sign this treaty.

We have asked them, in effect, to forgo the possibility of their joining the world club of nuclear nations without providing sufficient promise that nuclear weapons will not be necessary in their futures. And if we do provide such guarantees, we are merely assigning to ourselves the role of "world policeman" and stating, in effect, that we will come to the defense of any nation confronted with a nuclear attack. As I have stated earlier on this subject—and nothing brought out in debate on the Ervin reservation has changed my mind—I believe that the U.N. Security Council Resolution 255 of 1968 on security guarantee and the U.S. declaration made in explanation of its vote for that resolution make that entirely clear. Both of these documents include specific reference to the concerned countries which desire to subscribe to the treaty that "appropriate measures be undertaken to safeguard their security" if they adhere to the treaty.

This expectation of the nonnuclear nations was fed throughout the negotiating stage by the former administration. On at least two occasions President Johnson promised "our strong support against threats of nuclear blackmail." Secretary McNamara went so far as to pooh-pooh the idea of any nation taking time to go through the United Nations. In testimony before the Joint Committee on Atomic Energy, he said:

In case of a nuclear attack by country A on country B, the very survival of country

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B would be immediately at issue and it might well require military intervention by one of the great powers immediately, without time for the negotiation and discussion in international forums that would otherwise take place.

The question that disturbs me after having listened to the frequent denials of these new implications is not based upon the conditional question—although this question certainly arises—but, rather, is based upon a question of morality. No one can deny that these statements by McNamara and Johnson were made and that they appeared in the report on the committee hearings. Mr. President, this situation raises several questions. What, for example, will be the reaction of nonnuclear states if we go back on what is to me a statement by our leaders assuring them support if they are threatened or attacked? How long would it be before nonnuclear states signatory to this treaty start to pull out and develop their own weapons when the indications appear that the United States does not intend to carry out the promises of its leaders?

This is a serious question, and I think the Ervin reservation is addressed to it and should have been attached to the resolution for ratification of the treaty. It would not have affected the text of the treaty and it would have stated clearly that the chairman and members of the Foreign Relations Committee have been saying on the floor; namely, that we are not committed to the use of our forces and our weapons in any way as a result of this action.

But the way things stand now, non-nuclear nations may well ask us to run risks on their behalf that we may not be prepared to run. And it could be that the perpetuation of a bilateral power posture might lead both the United States and the Soviet Union to an arms race far exceeding that which might occur if third powers could be wooed back and forth. What I am saying, Mr. President, is that the end result of this treaty might well be one of "proliferation" rather than one of "nonproliferation."

Of course, as I have pointed out, it is being said by the proponents of this treaty that it would not commit the United States to the defense of nonnuclear signatories; that this commitment is not specifically to be found in this treaty. And I say that it does not make any difference whether such a commitment is reduced to actual language in the treaty. By ratifying a pledge by non-nuclear powers not to seek nuclear strength, we are committed by implication and by fact, whether the treaty says so or not. The alternative to noncommitment is to incur the wrath of the signatories and to insure their alignment with our enemies.

Mr. President, I believe that this treaty does commit the United States to a role which could have us fighting Vietnam-type wars in many areas of the world. I feel the commitment of which I just spoke would carry far enough to engage us in the defense of nonnuclear signatories against even the threat of attack by a member of the nuclear club.

In addition, I believe it would play right into the hands of Soviet strategic interests in Europe.

Consider, if you will, that the treaty would commit Russia to refrain from passing atomic weapons secrets to wavering satellites such as Czechoslovakia and untrustworthy puppets like Nasser and Castro. It commits Russia to refrain from doing what she would not consider doing under any circumstances.

In return for a commitment not to do what it would not think of doing, we guarantee to the Soviet what has been called an "atomic cordon sanitaire" running from Norway and Denmark down to Italy in the west, and all around the whole far eastern periphery with the exception of Red China.

This is precisely what the Soviets want. They do not want anti-Communist, Western countries to receive nuclear help from us.

Any way you figure it, this treaty has got to benefit the Soviet Union more than it does the United States. If there ever was a way to drive a wedge into the NATO alliance, this is surely it. In fact, Dr. Robert Strausz-Hupe, director of the Foreign Policy Research Institute at the University of Pennsylvania, says that if this treaty is ratified in its present form, it will "nail down the lid on the coffin of NATO."

Dr. Strausz-Hupe's argument is that the treaty supports what he terms the "thesis of revisionism"—the priority in U.S. foreign policy of bilaterally negotiated arms control and security agreements with the Soviet Union over the maintenance of the Western alliance.

Arrangements between the United States and the Soviet Union, such as this treaty, lend themselves to the growing belief that the usefulness of NATO as a military-strategic arrangement has diminished. Such arrangements lend support to arguments that there are other and better ways for insuring national security and world peace than through NATO. An extension of this argument, of course, says that if NATO is proving to be an obstacle to the "relaxation of tensions" it should be scrapped. This is exactly what the Soviets want.

It is certainly no secret that ever since the founding of NATO the destruction of the Western military alliance has been the main objective of Soviet foreign policy. Consider, for example, the words of Soviet Foreign Minister Andrei Gromyko when he informed the Supreme Soviet of the successful negotiations of the nonproliferation pact. That was on June 27, 1968, and among other things, Mr. Gromyko denounced NATO as an obstacle to arms control and disarmaments agreements, called for the "liquidation of foreign military bases" and singled out West Germany as the would-be disturber of the peace in Central Europe.

Mr. President, I find myself in accord with the argument that first, treaties with the Soviet Union are questionable at best; and, second, such treaties serve to undermine the free world's NATO shield.

There can be no doubt that the Soviet Union is pushing in two directions at the same time. Diplomatically her officials talk of negotiations to end or to slow down the arms race; they deliberately encourage the idea that the Kremlin is "mellowing" and seeking ways to reduce world tensions. At the very same time

the U.S.S.R. is pursuing aggressive, warlike actions in almost every area where the interests of East and West meet.

One of these places is Vietnam, where the Russians are supplying the armaments and equipment to prolong the war and kill additional American fighting men.

One of these places is Berlin, where the Russians continue to encourage their East German Communist allies to harass and aggravate relations with the West.

One of these places is the Middle East, where the Russians are busily rearming the Arab world for a possible resumption of its war with Israel.

In addition to the constant agitation in these trouble spots, the Soviet Union is pushing its arms build up in all categories, nuclear as well as conventional. In fact, the Russians are now ahead of the United States in nuclear missile strength when you add their heavy numbers of IRBM's to their ICBM's. The Russian submarine fleet is growing by leaps and bounds. Its naval influence has reached into the Mediterranean and may soon begin to dominate those strategic waters.

This, then, is the nature of our adversary. And I believe that the nature, the attitudes, and the intentions of treaty partners should become an integral part of the Senate deliberations when it undertakes to advise and consent.

When you consider these worldwide moves of the Soviet Union, and add to them its activities in its own sphere of influence, such as the rape of Czechoslovakia, how can we expect our Alliance allies to react kindly to bilateral agreements with Russia? More than that, how can we expect a nation with this kind of a record to engage in profitable negotiations aimed at the reduction of armaments?

I do not hold with the often repeated statement on this floor that we should not offer reservations or changes to a treaty. If the charge contained in the Constitution that the Senate shall advise and consent on treaties has any meaning, then certainly, in its advising, it should act when a consensus of this body holds that a change should be made and the consent withheld until such change is made. If arguments to the contrary hold any water, then why bother the Senate with treaties? Why not just have the Foreign Relations Committee vote them up or down?

This treaty is unsigned by nations which could make it an effective arrangement. It will not bring about world peace or a reduction in nuclear arms. I hope and pray that I will see the day when this Senate does consider a treaty agreed to by all the powers of the world which would result in multilateral disarmament accompanied by the privilege of inspection. This treaty does not even come close to that, so I must vote against it.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

LEGISLATIVE SESSION

Mr. DIRKSEN. Mr. President, I move the Senate return to legislative session.

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The motion was agreed to; and the Senate resumed the consideration of legislative business.

RESOLUTION 164

Mr. ERVIN. Mr. President, I send forth a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution.

Mr. FULBRIGHT. Mr. President, of course, I object to its immediate consideration. I do not object to its being printed.

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

Resolved, That it is the sense of the Senate that the United States, by entering into the Treaty on the Nonproliferation of Nuclear Weapons, does not obligate itself to use its Armed Forces to defend any non-nuclear-weapon state or any member of the United Nations against any acts or threats of aggression even if such acts or threats are accompanied by the use or threatened use of nuclear weapons and that such treaty does not affect in any way any obligation assumed by the United States under any other treaty or the Charter of the United Nations.

Mr. ERVIN. Mr. President, I ask unanimous consent that the resolution may be printed, so it will be available to Senators, and may be brought up for consideration tomorrow.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. FULBRIGHT. Yes; I object to its present consideration.

The PRESIDING OFFICER. Objection is heard. Under rule XIV, paragraph 6, the resolution will go over under the rule.

Mr. FULBRIGHT. I do not object to its being printed and to its being considered, as I said, but, as I apprehended in connection with the Senator's move yesterday, the effect upon the treaty is what disturbs me. I think my committee, and also the State Department, which is vitally interested in this matter, and the President ought to be given an opportunity to consider just what are the implications of the statement. I do not wish anyone to cast any doubt upon our sincerity in accepting the treaty and what we intend to do about it. If it does do that, of course, we will determine our attitude.

I had not heard of the resolution until this minute, and, of course, I am not prepared to make a commitment to support it or otherwise. This is very irregular in the case of a treaty, but, as I said yesterday, it seems to me those who are deeply concerned about the treaty, which has been before us since last summer, should have submitted ideas of this kind to the committee, in order to give the administration and the committee an opportunity to consider them. But I do not object to the resolution being printed and available. That does not mean I am not going to object to its being adopted.

Mr. ERVIN. Mr. President, I certainly am not asking the Senator to commit himself at this time.

Mr. FULBRIGHT. I think the normal thing is to have it go to the committee

and give it the normal time to consider it. This is the normal procedure.

Mr. ERVIN. Yes; but it will automatically come up tomorrow.

Mr. FULBRIGHT. Mr. President, did I understand correctly that the result of the unanimous-consent request did not carry with it the obligation to consider this resolution tomorrow?

The PRESIDING OFFICER. The resolution went over under the rule, and is to be printed.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Immediate consideration of the resolution having been moved, and objection having been voiced, I ask if it does not automatically go on the calendar.

The PRESIDING OFFICER. It goes over under the rule, and will come before the Senate, at the conclusion of the regular morning business, on the following legislative day.

Mr. ERVIN. In other words, if there is a recess, it will not come up automatically tomorrow?

The PRESIDING OFFICER. That is correct.

Mr. ERVIN. But it will come up automatically on the next legislative day?

The PRESIDING OFFICER. Yes.

EXECUTIVE SESSION

Mr. DIRKSEN. Mr. President, I move that the Senate return to executive session.

The motion was agreed to; and the Senate resumed the consideration of executive business.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

NUCLEAR NONPROLIFERATION TREATY SHOULD BE RATIFIED IMMEDIATELY WITHOUT RESERVATIONS

Mr. YOUNG of Ohio. Mr. President, the importance of the Treaty on the Nonproliferation of Nuclear Weapons cannot be overestimated. The future peace of the world may well be decided by whether or not the Senate ratifies the treaty, without reservation.

I was privileged along with other Senators to have been a guest of President Johnson in the East Room of the White House on July 1, 1968, to witness the signing of this Nuclear Nonproliferation Treaty by top representatives of more than 50 nations including Ambassador Dobrynin of the Soviet Union. This treaty, while not guaranteeing that nuclear weapons will never be used in war, clearly represents a milestone in the long journey toward world peace. The Limited Nuclear Test Ban Treaty achieved by President John F. Kennedy restricted the environment where nuclear bombs could be tested. The outer space agreement limited the areas where they could be stationed. Now, the Nonproliferation Treaty will limit the spread

of nuclear weapons. This signing of the draft of this Nuclear Nonproliferation Treaty was a never to be forgotten dramatic, historic event. President Johnson's address ending the ceremony will be regarded by future historians as one of his finest—a historic state paper. In part President Johnson said:

After nearly a quarter century of danger and fear—reason and sanity have prevailed to reduce the danger and to greatly lessen the fear. Thus, all mankind is reassured. For this Treaty is evidence that amid the tensions, the strife, the struggle and sorrow of these years, men of many nations have not lost the way—or have not lost the will—toward peace. The conclusion of this Treaty encourages the hope that other steps may be taken toward a peaceful world.

The facts which make imperative U.S. ratification are clear enough. Today, only five nations possess nuclear weapons—the United States, the Soviet Union, China, France, and Great Britain. However, many other nations have the resources to become nuclear powers. By spending approximately \$200 million any mature industrial country can readily produce one or two atomic bombs or nuclear warheads. With each passing year more nations will be able to do so, and the possibility of nuclear war increases. Therefore, this treaty is of utmost importance in curtailing what former Defense Secretary McNamara termed "the mad momentum of the arms race."

Mr. President, the proposed treaty emerged after years of difficult and painstaking negotiations. In brief, the treaty will decrease international tensions by reducing the threat of accidental nuclear detonation, by eliminating the danger that a limited war between the smaller nations will escalate into nuclear holocaust and by decreasing the risk that nuclear weapons among smaller powers would offset regional balances of power that contribute effectively to the maintenance of international peace and security.

This treaty is not a Soviet invention. For many years both the Soviet Union and the United States have attempted to separate this issue from other issues on which leaders of both nations differ, and to support it as an important common goal. The fact is that the United States is the principal architect of the treaty which we first proposed in 1964. It is based on policies formulated under four administrations and was reflected in the Baruch plan, in the Atomic Energy Act, in the atoms for peace plan, and in the Limited Nuclear Test Ban Treaty.

May I say at this time that every provision of that Limited Nuclear Test Ban Treaty achieved by the late great President John F. Kennedy, due in large part to the fine work of his great Ambassador, Averell Harriman, was lived up to with respect to every obligation from the time it was entered into by the Soviet Union and the United States. The Soviet Union has implicitly lived up to every obligation in that treaty.

Mr. President, the representatives of more than 80 countries have now signed the Nonproliferation Treaty. All representatives of these nations signed in good faith. Indeed, its acceptance by most nations of the world was an inspir-

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ing act of faith and imposed an obligation upon the nuclear powers to aid smaller nations faced with aggression and to provide them with necessary nuclear resources so that their people may fully enjoy the blessings of the peaceful uses of nuclear energy. The good faith which is so essential to universal acceptance of this treaty may evaporate in the face of any vacillation upon the part of the U.S. Senate to ratify the treaty.

Throughout our history the United States has played a vital role in the search for international peace and security. The Nuclear Nonproliferation Treaty is another of the many steps on the long journey toward permanent peace. It is evidence amid the tensions and strife of this period of international anarchy that men of many nations have not lost the will to strive toward peace. It encourages the hope that other even more meaningful steps will be taken toward permanent peace in the near future and in years to come.

Many leaders of nations now capable of producing atomic weapons are awaiting our action to determine whether their countries shall become signatories to the treaty. We cannot allow their interest to wane or to indicate in any way our reluctance to accept the provisions of the treaty. Delay now might lead to final rejection of the treaty. Ratification would be an important effort to lift the threat of adding new and fearful dimensions to international tensions and disputes. To delay ratification could have tragic consequences for the future, not only for our Nation, but for all mankind.

EXECUTIVE RESERVATION NO. 1

Mr. TOWER. Mr. President, I call up my reservation.

The PRESIDING OFFICER. The reservation will be stated for the information of the Senate.

The legislative clerk read as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation that such treaty shall not be construed as precluding the provision of weapons or other materials for the establishment of nuclear defenses to regional organizations established under Article 52 of the Charter of the United Nations".

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have discussed the possibility of a time limitation with the distinguished minority leader, the distinguished chairman of the Foreign Relations Committee, the distinguished Senator from Texas, and other interested Senators. I would like at this time to ask unanimous consent that there be a time limitation of 2 hours on the pending reservation, the time to be equally divided between the distinguished Senator from Texas and the distinguished Senator from Arkansas.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Connecticut (Mr. Dodd) has two amendments. Whether they are understandings or reservations, at this time I do not know. I make the same request in regard to those two, with his approval—2 hours on each of the proposals,

the time to be equally divided between the Senator from Connecticut (Mr. Dodd) and the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Chair inquires whether the time of the Senator from Vermont will come out of the time covered by this agreement.

Mr. MANSFIELD. No; this refers only to the time when these two amendments are discussed.

Mr. PROUTY. Mr. President, I shall vote in favor of ratifying the Treaty on the Nonproliferation of Nuclear Weapons. I shall do so with the hope it may lead to a world free of nuclear terror, but with the concern that it may lead to crippling delusions.

The treaty tempts rhetoric and renews hope, but glowing phrases and our sincere aspirations must not be allowed to obscure reality.

We must pause to ask ourselves if we see the treaty as it is or as we would wish it to be.

All men of good faith endorse the intent of the Nonproliferation Treaty. Nuclear weapons, with their catastrophic power of destruction, must not be allowed to spread further among the nations of this earth.

Such a design is laudable, yet the treaty fails to carefully delineate the safeguards needed to implement its intentions. Instead, it leaves much to be done to match its performance with its promise. Existing limitations and possible future problems in enforcing the treaty's noble intent must not be ignored.

Instead, the treaty must be viewed in the proper perspective. It is only a small step on a long arduous road to peace. The difficult journey ahead requires clear heads, unclouded by delusions that the road is easy or the distance short.

I have cast myself in the role of the skeptic to warn of delusions and to prod the dreamer. We cannot afford to linger with our reveries of a world without arms. We must be on our way toward disarmament. This treaty must be ratified, then quickly buttressed with adequate safeguards. We must adhere to the course set by article 6 to negotiate in good faith to end the nuclear arms race and to effectuate nuclear and general disarmament. There is much to do, but it must be done, if men are to continue to live upon this earth.

Mr. BYRD of Virginia addressed the Chair.

The PRESIDING OFFICER. The time is now under control.

Mr. TOWER. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia be recognized for as much time as he requires, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Chair recognizes the Senator from Virginia.

Mr. BYRD of Virginia. I thank the distinguished Senator from Texas.

Mr. President, the Nation's top military officer, Gen. Earle G. Wheeler, appeared

before the Committee on Armed Services to discuss and answer questions in regard to the military implications of the Treaty on the Nonproliferation of Nuclear Weapons.

At this point in the debate, I desire to read into the Record certain questions I addressed to General Wheeler, and subsequent to that I would like to invite the attention of the chairman of the Committee on Foreign Relations, so that I might ask him several questions to get the thinking of his committee.

Mr. President, on February 27 and 28, General Wheeler appeared before the Committee on Armed Services, and I put these questions, among others, to General Wheeler:

General Wheeler, several of my questions will be repetitious but I do it for emphasis. My understanding is that you see no military disadvantages to the suggested treaty.

General WHEELER. I do not, sir.

Senator BYRD. My understanding is that that is likewise the unanimous view of the Joint Chiefs of Staff.

General WHEELER. That is correct, Senator. Senator BYRD. General, on page 1 of your statement you say the Joint Chiefs addressed treaty proposals formally on 19 occasions. Each of these resulted in specific recommendations for strengthening the treaty.

Were the specific recommendations, all of them, accepted?

General WHEELER. Yes, they were.

Then I put these questions to General Wheeler:

Senator BYRD. This treaty would not operate to the disadvantage of the United States or its allies?

General WHEELER. That is my belief, and the belief of my colleagues.

Senator BYRD. This treaty would not involve an obligation for the automatic commitments of the U.S. military forces?

General WHEELER. It does not, sir.

Senator BYRD. And this treaty does not prevent the development and use of an ABM system by the United States?

General WHEELER. It does not, sir.

Senator BYRD. Article VIII of this treaty provides that any party to the treaty may propose amendments to this treaty.

Are there any amendments that you feel should be proposed?

General WHEELER. Not at the present time, sir. I am not aware that any amendments are in the process of being proposed by other signatories.

Senator BYRD. But there are no amendments that the Joint Chiefs of Staff would recommend?

General WHEELER. Not at this time, sir.

Mr. President, another question I put to General Wheeler was this:

General Wheeler, as I understand it, the Joint Chiefs of Staff played an important part in the development of this treaty.

General WHEELER. Yes, sir.

Senator BYRD. And, as I understand it, it is the view of the Joint Chiefs of Staff that its enactment would not involve an obligation for automatic commitment of U.S. military forces.

General WHEELER. That is correct, Senator Byrd.

Mr. President, if I may have the attention of the distinguished chairman of the Committee on Foreign Relations, I should like to ask him whether in his judgment this treaty in any way involves an obligation for the commitment of U.S. troops in the event any nonnuclear nation should be attacked.

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Mr. FULBRIGHT. I say to the Senator that it does not. This treaty does not affect the disposition of our troops in any way whatever. It does not attempt to deal with that in any respect.

I have read the exchange that the Senator has read from the hearings of the Committee on Armed Services, and I congratulate him on eliciting these very positive statements from the chairman of the Joint Chiefs of Staff. I agree with it completely. Our own hearings reflect exactly the same thing. There is not the slightest doubt, in my opinion—and I believe it is the opinion of all the members of the Committee on Foreign Relations—that what the Senator has just read is in accord with the treaty.

Mr. BYRD of Virginia. It is my understanding—I have not found it in the committee report, but I understand it is in the committee report—that the committee report does not make clear that in the judgment of the Committee on Foreign Relations, and I understand it is the unanimous judgment of the Committee on Foreign Relations, nothing in this treaty would commit, in itself, the use of U.S. troops.

Mr. FULBRIGHT. The Senator is correct. The treaty does not deal with that subject, I may say. It does not prohibit, permit, or do anything about that. It just does not attempt to deal with the question of troops. It deals only with weapons and nuclear materials.

Mr. BYRD of Virginia. I thank the Senator from Arkansas. What the Senator has just stated is the way I understand the treaty.

Mr. FULBRIGHT. The Senator is correct.

Mr. BYRD of Virginia. It is unfortunate, I think, that on June 19, 1968, our Representative in the United Nations made certain declarations. I refer to the declaration which the Senator from North Carolina has called attention to.

I think the Senator from North Carolina was justified in calling attention to the United Nations declaration, which to my way of thinking is a misleading declaration in that it misleads not the Senate, which is considering the treaty, but it misleads other nations, because, as I understand this treaty, and as the chairman of the Committee on Foreign Relations has indicated, and as the Chairman of the Joint Chiefs of Staff has indicated, there is nothing in this treaty that commits the United States to go to the aid of any other country should other countries be attacked with nuclear weapons.

In my judgment, what occurred in the United Nations on June 19, 1968, is very unwise, unfortunate, and very misleading. I wish to congratulate the distinguished senior Senator from North Carolina for focusing attention on that United Nations declaration. I wish to say that I do not propose to be bound by a declaration of some representative in the United Nations.

The threat posed by the possibility of more nations, some under irresponsible leadership, obtaining nuclear war-making devices is so grave that every reasonable precaution should be taken.

In my judgment, the treaty now before the Senate will not solve many problems;

in my judgment, it has been oversold by its proponents.

But ratification of the treaty has been recommended by former President Johnson, by President Nixon, and it has the support of the Chairman of the Joint Chiefs of Staff, the Nation's top military officer, and it has the support of the Chief of Naval Operations, the Chief of Staff of the Army, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, testified that our military leaders played an important part in the development of this treaty.

He testified, too, that its enactment would not involve an obligation for commitment of U.S. military forces. He testified, too, that it is the unanimous view of himself, the Chief of Naval Operations, the Chief of Staff of the Army, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps, that there are no military disadvantages to the United States in the ratification of this treaty.

The distinguished senior Senator from North Carolina (Mr. ERVIN) has, quite properly, I think, invited the attention of the Senate to a declaration of the Government of the United States made in the United Nations Security Council June 19, 1968, when our Government noted "with appreciation, the desire expressed by a large number of states to subscribe to the Treaty on the Nonproliferation of Nuclear Weapons."

The Senator from North Carolina called attention to the assertion by the U.S. representative in the United Nations that—

In conjunction with their adherence to the treaty . . . appropriate measures be undertaken to safeguard their security . . . the United States affirms its intention . . . to seek immediate Security Council action to provide assistance, in accordance with the charter, to any non-nuclear weapon state party to the treaty on the non-proliferation of nuclear weapons that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

The above assertion by the U.S. representative in the United Nations is, I believe, unfortunate in that it misleads the nonnuclear nations.

It does not, however, bind the U.S. Senate nor the Congress. It is not a part of the treaty.

The distinguished chairman of the Foreign Relations Committee has made clear—and the total membership of the Foreign Relations Committee has made clear—the declaration in the United Nations is not a part of the treaty and is in no way binding on the Senate or on the Congress.

I want the record to clearly show, Mr. President, that ratification of this treaty does not in any way associate the Senator from Virginia—or any Member of the Senate for that matter—with the misleading statements made by the U.S. representative in the Security Council of the United Nations.

I shall cast my vote for ratification. The treaty does not appear harmful to our own national interest, and it could prove helpful in preventing the spread of nuclear weapons.

I am hopeful, however, the public will not be lulled into a false sense of security. We must remain militarily alert and strong, and this treaty should be recognized for what it is: Only a hopeful first step in preventing the spread of nuclear weapons.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I agree with my distinguished friend from Virginia that these remarks were unfortunate. I also think that it is unfortunate that they were placed near the treaty, such as in the report.

I am disturbed about these statements, not necessarily from a constitutional view, although I could be. I think there is a moral question involved with reference to how much influence that statement, plus other strong statements, had on nonnuclear states in getting them to go along with the treaty.

I refer to a statement, which is much stronger than the one we are talking about, which appears on page 169 in the report, quoting President Johnson in a television address on October 18, 1964:

The nations that do not seek national nuclear weapons can be sure that if they need our strong support against some threat of nuclear blackmail then they will have it (TV address, October 18, 1964) * * * they will have our strong support against threats of nuclear blackmail. (Message to 18 nation disarmament committee, January 27, 1966.)

Does the Senator from Virginia see a moral responsibility in here in connection with this treaty and what these words might mean to countries that sign this treaty?

Mr. BYRD of Virginia. Mr. President, I noted the statement which the Senator from Arizona has just read quoting former President Johnson. I think that tends to mislead these other nations, just as I think the United Nations declaration by our representatives tends to mislead.

But I do not think that either one of those statements can speak for the Congress of the United States and, of course, President Johnson is no longer President.

It may have had an effect on causing some of those nations to sign the treaty which would not have signed otherwise. I would put those statements in the category of campaign oratory, the campaign being to obtain signatures for the treaty.

I think it is unfortunate that in campaigns people are misled on some occasions. I might say that when the distinguished Senator from Arizona was a candidate for President he did not mislead the people, he was completely frank with the people.

Mr. GOLDWATER. I thank the Senator. It did not pay any dividend, I might say.

I agree with the Senator from Virginia. I hope the debate on this subject will make it amply clear that the Congress is not swayed by these statements made before the United Nations or in a television address. That is why I was hoping that the chairman of the committee would permit a vote to be taken on some statement that would not damage the

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treaty, to make it clear that these unfortunate statements and what the President stated are not binding on any of us or this body as a whole.

Mr. BYRD of Virginia. Mr. President, I join with the Senator from Arizona in expressing the same hope that he expressed. I do not know whether the resolution introduced by the Senator from North Carolina will or will not come to a vote. I hope it does.

Whether it does or does not come to a vote, I feel that in voting on the treaty, Senators are not in any way bound by assertions made by those who are not Members of Congress, whether by an appointed official in the United Nations, for example, or by an ex-President of the United States.

Mr. GOLDWATER. I agree with the Senator, and associate myself with his remarks. What concerns me is what country or countries feel that those words do have validity to them and had an influence on them in signing the treaty. That is the question in my mind.

Mr. BYRD of Virginia. As I see it, we have no way of knowing; but perhaps some countries were influenced by them.

Mr. MURPHY. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. MURPHY. I raised this question, or a similar question, yesterday, but unfortunately all the available time had been used, so the question that I posed on this exact point was not answered.

If, as we are told, there are 80 signatories to the treaty, I am sure that a number of those signatories, just as perhaps many Members of this distinguished body, possibly could have had a misunderstanding of the conditions.

I know that my distinguished colleague and I have both wondered whether the language in the report guaranteed the immediate use of American troops and weapons, the immediate protection, the immediate going to war—if you will—by the United States, in the event any non-nuclear-weapons nation signatory to the treaty was attacked by another nation using nuclear weapons. It was certainly my understanding, at the outset, that this was a condition. I have discussed this with many people, both retired military, and atomic energy experts; and, unfortunately, this seemed to be the consensus, that the statements made by the former Secretary of State, the former President, and the former Ambassador to the United Nations did guarantee military action by the United States of America.

Now, I wonder whether, if the 80 nations presently signatories had had the advantage of hearing the debate which has been carried on in the Senate, had they heard the questions and answers, the explanation of the position of the distinguished chairman of the Foreign Relations Committee, and the explanation of General Wheeler that this was not a commitment, would they have been willing, under these circumstances, with this full knowledge, to sign the treaty, or if they might decide they signed under a misconception or a misunderstanding of the content of the treaty, of the intent of the treaty, or of our moral obli-

gation—if you will—would they still continue to be signatories to the treaty or would they make active the 30-day release notification and withdraw from the treaty.

I wonder whether my distinguished colleague would comment on that, because it has been disturbing me greatly.

Mr. BYRD of Virginia. The Senator from Virginia would not know how to interpret the views of those 80 nations, nor would he have any way of knowing what motivated them to sign the treaty, nor how much the declaration on the part of our representative in the United Nations had in causing one or more of those nations to sign the treaty. Possibly one or more were misled.

Mr. FULBRIGHT. Mr. President, would the Senator from Virginia yield for an observation?

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Does the Senator from Virginia yield to the Senator from Arkansas?

Mr. BYRD of Virginia. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. I might say that the first committee report, of last summer, was printed before most of the non-nuclear states ever said they would sign the treaty. So they had plenty of notice, or at least had available to them the attitude of the committee and the views of the committee. The first report of the committee last summer made it very clear that the United States is not committed by what happened up there. So, it is not right to say that they had no notice as to the attitude of the committee.

Mr. BYRD of Virginia. I thank the distinguished Senator from Arkansas.

I want to say that, so far as I am concerned, I think we have too many commitments all over the world.

We have mutual defense commitments to 44 nations.

I am not interested in advocating or supporting a proposal which could be, logically, properly, and accurately construed as committing us to additional wars.

We have had too many wars.

This Nation has been engaged in more major wars during the past 50 years than any other nation in history in a comparable length of time.

World War I was a major war. World War II was a major war. The Korean war was a major war; and the Vietnam war is a major war.

I say that we have made too many commitments already around the world.

This treaty does not, however, commit the United States to any future acts. It does not commit the United States to do anything except what it voluntarily is doing anyway; that is, not to give away to other countries nuclear devices for warmaking potential. We are not going to do that, anyway.

Thus, I cannot see that the treaty would be harmful to the United States.

By the same token, I am not sure that it will accomplish very much, but at least it presents, as I see it, a small hope, a small, first step toward trying to keep out of the hands of many nations who do not

have nuclear weapons, these terrible war-making devices.

Mr. TOWER. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I am happy to yield to the distinguished Senator from Texas.

Mr. TOWER. I should like to commend the distinguished Senator from Virginia for his remarks. Although I shall not vote for the treaty unless certain reservations are adopted, the Senator from Virginia has expressed his intention to vote for it. I just wish that more of the proponents and supporters of the treaty could be as frank and candid about it as the Senator from Virginia has been.

I am afraid that too many of those who passionately want to see the treaty ratified have conveyed the impression that it will terminate the prospect for a nuclear holocaust.

I think that we must realistically observe that that simply is not the case. I think the Senator from Virginia has been responsible in enunciating his support for the treaty and pointing out that we must not be lulled into a false sense of security or euphoria.

I further commend him for underscoring the fact that we must still maintain a degree of military superiority over those who have aggressive designs upon the rest of the world.

I thank the Senator from Virginia for his most instructive statement.

Mr. BYRD of Virginia. I am grateful to the distinguished Senator from Texas for his remarks.

Like the Senator from Texas, I think it is very important that the American people have an accurate understanding of just how much this treaty can do and how little it can do, and be governed accordingly.

Mr. TOWER. Mr. President, I ask unanimous consent that the distinguished Senator from Kentucky (Mr. Cook) may proceed, as in legislative session, for 10 minutes without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE ABM SYSTEM

Mr. COOK. Mr. President, I am told that the administration has about eight options available to it in making a decision on the current anti-ballistic-missile controversy. Seven of these alternatives, some of which are variations of the proposed Sentinel system favored by the Johnson administration, would call for deployment of antiballistic missiles in the near future. Some of my colleagues have indicated that their major opposition stems from the outcry of citizens in Seattle, Chicago, Detroit, and Boston over the planned location of bases near those cities.

I would hope today to direct the emphasis of the ABM debate to the larger question, not where shall the installations be placed but, rather, whether they shall be deployed at all.

The outrage expressed by the people of these cities and the subsequent consideration of alternatives raises an all-

important question. What is the purpose of the ABM? Originally we were told the deployment around the cities was essential and that the Sentinel's purpose was damage limitation; that is, to reduce our losses by 40 or 50 million people in the event of nuclear exchange. The problem with this was pointed out by Senator MATIAS on the floor last week when he asked, "Which people are you going to save?" By deploying in one place and not in another one makes a God-like decision as to who shall live and who shall perish. And besides, can there be any victory when millions die? In the years it would take to deploy the Sentinel, who can say what the offensive capacity of the enemy would become. Then, a fortiori, who can testify to the accuracy of the assumption that Sentinel would reduce casualties by 50 million?

Another justification for deployment of the Sentinel ABM system was that it would protect us against irrational behavior on the part of the Chinese. But as Jerome Wiesner points out:

We ought to regard the Sentinel as a bad joke perpetrated on us by Mr. McNamara and President Johnson in an election year. It seems to me that their very rationalization—that it was to defend us against the Chinese but we would stop building it if the Russians agreed not to build one—demonstrates that well enough.

One of the strongest arguments against deployment of any ABM system at this time centers around the question of effectiveness. A meaningful defense against nuclear attack must be almost perfect, as opposed to conventional warfare where, for example, one plane load of bombs will not do as much damage as many planes each loaded with the same destructive force.

The very real problem with today's quickly changing technology is that a defense system may well be obsolete before it is finished. It has been estimated that planning and deployment of such systems as we are talking about might take as long as 10 years. Certainly the Nike-Zeus and Nike X systems, if we had decided to deploy them, would now be obsolete. In fact, it is entirely possible that any defense system which depends on projectiles, rather than rays or beams, will be obsolete before completed.

Among the many technical difficulties which Sentinel is not likely to overcome, according to scientific testimony, are employment of penetration aids by an attacker, the possibility of blackout, and destructive fallout if the enemy chooses not to attack our points of defense and makes his missiles land and explode in sparsely populated areas. This latter plan of attack would minimize death from explosion but maximize the dangers of fallout throughout the country. There are a myriad of other possibilities. What all of this adds up to is that no defender is ever really going to know what to expect. The alternatives available to any planner of an offensive system are so many and varied as to give him every possibility of retaining the likelihood of success.

Skepticism about whether the Sentinel would work as designed is so widespread that even some of the contractors who

have orders to build certain parts for the system are asking that the ABM not be deployed at this time. A scientist for a company which presently has such contracts with the Department of Defense was in my office the other day and said he had been authorized by his employer to come to Capitol Hill and tell Members of Congress that he and the managers of his company were convinced that Sentinel, in its current state of development, would not work and should not be deployed. Delay in deployment of the system would cost this company hundreds of thousands of dollars but its technical people could not, in good faith, advocate such an expenditure of public money on a project which its scientists felt had little or no chance of performing as it was designed to function. I regret that I am not authorized to divulge the name of this contractor, but quite frankly, the reason I am not at liberty to do so, is because they fear reprisal in the form of lost contracts on other projects.

The theory behind defensive missile systems it seems, is twofold:

First. To limit damage—the deficiencies of this argument have already been explored—and

Second. To enhance our power to deliver a retaliatory blow. The problem with the second justification is that the Pentagon has been telling us for years that we have retaliatory power in abundance. Even if all our land-based power was knocked out, the 646 Polaris missiles to be fired from beneath the seas would totally destroy the enemy.

The opinions I have advanced were drawn from the best scientific minds available and these alone would tend to compel my opposition on the grounds that the system is unlikely to function properly. But there are still other strong reasons for opposing Sentinel, one of which is cost. Senator SYMINGTON on the floor last week pointed out that already \$15 billion of the taxpayers' money has been spent on missile systems placed in production, deployed, and then abandoned and that another \$4.2 billion was spent on additional missile systems which were discontinued in the research and development stage. He added that the total cost of unworkable or obsolete missiles probably is in excess of \$23 billion. Bearing in mind this record of expense and failure, we must ask what cost is anticipated for Sentinel, another missile system, which in all likelihood will also be abandoned or become obsolete before completion? The Johnson administration estimated that deployment of the "thin" Sentinel system designed to protect us against the Red Chinese would cost between \$5 and \$10 billion. Official cost estimates of a "thick" system designed to protect against Soviet attack range in the \$40 billion category. But these estimates are highly suspect. Senator SYMINGTON raised last week the question of how accurate predictions of missile expense by the Department of Defense had been. He pointed out that the 12 major systems developed during the 1950's exceeded their original estimated cost by 220 percent and that at this rate "thick" Sentinel would not cost \$40 billion but over \$160 billion.

Brookings Institute studies indicate that costs have exceeded estimates by from as much as 300 percent to 700 percent. My able colleague from Missouri added further that, based on these studies and recent Department of Defense requests, it was conceivable that the "thin" system would cost \$40 billion and the "thick" \$400 billion—more than the national debt.

Now, no patriotic American opposes spending what is necessary for the defense of our country. And I am not opposed to continued appropriations for research and development of ABM systems, but I do oppose such astronomical expenditures for a defense system of questionable value, if not positive harm.

The last and most compelling argument against deployment of an ABM system at this time is the effect I believe such action would have on continued attempts to curb the nuclear arms race. Even if the sentinel worked perfectly, which almost no one is willing to concede, it would still have the major defect, in terms of international stability, of assuring an escalation in kind on the part of the Soviet Union. By passing the nuclear nonproliferation treaty, we will be urging other nations not to enter the nuclear arms race. How can we then ignore our own admonition and deploy an ABM system which will almost certainly set off another arms race round between the United States and the Soviet Union. Such an action would not enhance our defense but only increase international tension. It is not insignificant that every one of the last four presidential scientific advisers is against deployment of the sentinel. Jerome Wiesner gave a better summation of my views than I could compose myself so I will quote him in conclusion:

This is not a matter that anybody can settle with numbers and calculations. It is a judgment. But judgments of this kind are at the heart of the decision to build or not to build an ABM system, not the statistics, the calculations about "cost-effectiveness" or how many people will be killed. These factors are important in the decision, of course. What is most important, however, is the total dynamics and the likely interaction of the policy makers on both sides. I come back to where I began and ask: Can we play this game, which certainly will not buy us a real defense, and at the same time achieve a rational world? My answer is "No."

I thank the Senator from Texas.

Mr. COOPER. Mr. President, my colleague, the distinguished junior Senator from Kentucky, (Mr. Cook), deserves commendation for his thoughtful, reasonable and incisive speech in opposition to the deployment, at this time, of the Sentinel anti-ballistic-missile system.

He has, I know, studied this complex issue thoroughly for several weeks and has made this decision on the merits giving chief consideration to the security of our country—which is the main consideration of all—whether favoring or opposing deployment. I know that he requested a discussion of this issue with other new members of the Senate, with Senate witnesses distinguished scientists who have testified in the current hearing before the Gore subcommittee of the Senate Foreign Relations Committee.

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And, he has asked to hear the arguments and reasoning of those who support deployment in the Department of Defense.

This is another evidence of the attitude of inquiry, of seeking all the facts, of independent and reasoned judgment and decision which characterizes our colleague. His judgment has the support—expressed only yesterday—before Senator GORE's committee by Drs. Killian, York, and Kistiakowski, prominent scientists who were advisors to former President Eisenhower.

His speech is a valuable contribution to the debate and I congratulate him.

Mr. TOWER. Mr. President, I ask unanimous consent that the distinguished Senator from Florida may proceed, as in legislative session, for 5 minutes, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MAINLAND CANE SUGAR PROBLEMS

Mr. HOLLAND. Mr. President, during the first session of the 89th Congress, Public Law 89-331 was enacted to extend the Sugar Act of 1934 from December 31, 1966 through December 31, 1971.

The extension of this act increased the domestic beet sugar quotas by 375,000 tons above the 1962 quotas to 3,025,000 tons annually and increased the mainland cane quotas by 205,000 tons above the 1962 quotas to 1,100,000 tons. This was in the nature of an advance against the sugar consumption in the United States. It left unchanged the domestic offshore cane quotas for Hawaii, Puerto Rico, and the Virgin Islands of 2,265,000 tons and the Philippine quotas, set by treaty, at 1,050,000 tons. In addition, 2,260,000 tons were allocated to foreign nations. Likewise it provided that deficits in the Puerto Rican, other domestic and foreign nations quotas should go to foreign nations.

Mr. President, the limited quotas for mainland cane established by the Sugar Act have resulted in the accumulation of huge reserves of sugar by our domestic cane sugar producers who, at the specific request of our Government, vastly increased production at the time the Cuban sugar quota was cut off. These surpluses have resulted in the issuance of orders by the Secretary of Agriculture reducing the acreage allotments for mainland cane producers. Therefore, unquestionably when Congress again considers the extension of the Sugar Act, a strong and rightful effort will be made to increase the mainland cane sugar quotas.

I bring this matter to the attention of the Senate for two reasons: First, to demonstrate the need for fairer treatment of our domestic mainland cane producers; and second, to advise the Senate that, at a time of inflated food prices, when the housewife is viewing with alarm the almost daily increases in most commodity prices on the grocer's shelf, and at a time when great stress is being placed on consumer protection, the fact that sugar prices have remained stable

because of the legislation above mentioned has perhaps been completely overlooked.

The price of sugar has remained stable even though approximately 40 percent of the sugar consumed in this country comes from foreign sources, and notwithstanding the fact that we recently had a ship strike lasting better than 60 days during which time it was impossible to unload sugar in any port other than the port of Boston and on the west coast. This stability is the result of the Sugar Act which not only guarantees the American consumer an adequate supply of sugar at fair and reasonable prices but also guarantees the American sugar producer a reasonable price for what he produces. This guarantee to the producer is made in the form of payments to the producer from monies derived by levying a tonnage processing tax on the sugar processors and therefore does not require expenditure of Treasury funds or the taxpayers dollars. The payments to producers are greater per produced unit to the small producers than they are to the large producers. The processing tax has produced sufficient revenue to not only make the payments to producers, but also to turn over to the general revenue fund substantial amounts each year, amounting to a total of some \$600 million during the life of the Sugar Act and its extensions.

Mr. President, I call this to the attention of the Senate today so that we can realize the value of the Sugar Act, not only to the farmer, but to the American consumer.

Mr. President, I warmly thank my distinguished friend from Texas.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time consumed by the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). Without objection, it is so ordered.

The PRESIDING OFFICER. The time is under control, 1 hour being under the control of the distinguished Senator from Texas and the other hour being under the control of the distinguished Senator from Arkansas.

Mr. TOWER. Mr. President—and I am delighted to call you that, because I was not sure that I would ever have the opportunity—I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 20 minutes.

Mr. TOWER. Mr. President, if I may have the attention of the distinguished

chairman of the Committee on Foreign Relations, I should like to pose a question relative to article I of the treaty, which states:

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly.

Does this mean that the United States is prohibited from giving nuclear weapons to countries such as the United Kingdom that are already nuclear powers and from submitting control of those weapons to them, I might add?

Mr. FULBRIGHT. It is the control, as I understand it, that is prohibited. This treaty and the article, I think, permits placing nuclear weapons on the real estate of a friendly power with its approval, of course, but retaining control for the United States. That is my understanding.

Mr. TOWER. It would mean, then, that even though the United Kingdom is a nuclear power and might be producing nuclear weapons similar or identical to those produced in the United States, we would be prohibited from improving or enhancing their inventory by giving them additional weapons that we produced which might be either similar or identical to the ones they are producing, and yielding to them control of such weapons.

Mr. FULBRIGHT. Mr. President, it is my understanding that the French objected to special relations with Great Britain. We have never given them what we call nuclear warheads—that is, the weapons. We have given them assistance and technology. As the Senator recalls, there was a great deal of fussing about this by the French some years ago.

If I recall correctly, the McMahon Act, long before this treaty was brought up, prohibited our giving weapons to other countries.

Mr. TOWER. I understand it does just that. As a matter of fact, the McMahon Act, from our point of view, obviates the necessity of the treaty, because we are already prohibited from doing it.

Mr. FULBRIGHT. I agree with the Senator's statement. However, the treaty goes far beyond that. A very important part of the treaty is that the nonnuclear states agree not to receive or to make the weapons.

Mr. TOWER. I understand that. However, the point is that the McMahon Act is a statutory act binding on us, which we can repeal at any time.

Mr. FULBRIGHT. The Senator is correct. However, it has been the policy of the United States since that act not to give control of nuclear weapons to another state. It is still the policy and the law, and this treaty only reiterates that and adds other features.

Mr. TOWER. That is understood, of course. And the McMahon Act does exist. We are prohibited from doing just what article I would prohibit us from doing. The point that I am making is that currently, in the absence of the treaty, we can on our own initiative repeal the McMahon Act and deliver nu-

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clear warheads to the United Kingdom, for example.

Mr. FULBRIGHT. Mr. President, I certainly agree with that. If we wish to change our policy and repeal the McMahon Act, we can give them to anybody, if we want to do so. However, I would not advise it.

Mr. TOWER. I do not necessarily advise it, either. However, we are talking about the legal options available to us here.

Mr. FULBRIGHT. The Senator is correct.

Mr. TOWER. Then, if we ratify the treaty, even if we should repeal the McMahon Act, we would not be able to transfer nuclear warheads to friendly nations.

Mr. FULBRIGHT. If we were to do that, we would withdraw from this treaty under the provision of 3 months—I think it is 3 months' notice—which is less than it usually takes to pass an act through Congress. There is no problem about that. If we wish to get away from the restriction of this treaty, we can do it. I hope we do not. But it is feasible. It is 3 months.

Mr. TOWER. Three months; that is correct.

Mr. FULBRIGHT. Very few acts of any significance go through Congress within 3 months.

Mr. TOWER. The point I am trying to make is that with the treaty in force, in the absence of our filing notice to withdraw in 3 months' time, as long as the treaty remains in effective force, we cannot by legislative action breach the provision I just read in article I of the treaty.

Mr. FULBRIGHT. That is correct. But I think the Senator forces me into an area that is somewhat controversial, about the effect of an act being passed subsequent to a treaty which is in conflict. I vaguely recall having quite a discussion about this in years past: If we have a treaty in effect and then Congress passes an act which is in conflict with that treaty, which takes precedence? Can you do it in that fashion? I think this case raises a rather difficult question. I am not sure, until I review it, whether or not it is a constitutional matter—a later expression of Congress, with the President, I suppose, participating and signing the act.

Mr. TOWER. It is my understanding that a treaty, properly ratified by the United States, in effect enjoys essentially the same status as the Constitution; that any legislation that is passed that is not consonant with the treaty will be unconstitutional, or will be so held by the courts.

Mr. FULBRIGHT. The treaty certainly becomes the law of the land.

I did not anticipate this particular question. This question has been up before. I have to wrack my brain about a situation in which an act is passed that is in conflict with it. I shall have to defer a specific answer as to whether or not, subsequent to the treaty, we could pass an act which is in direct contravention of the treaty, whether or not it would not have an effect.

As a practical matter, since we do not belong to a world of law but only of the

jungle law, the effect of that would be the same as withdrawal; because nobody is going to be able to enforce the treaty against us, and in the case of war, all bets are off. That is acknowledged. If we have a war, this treaty is no longer applicable.

The Senator is raising a nice point of international law, which at the moment I am not prepared to answer specifically. I will look up the answer. I know that in the past I considered that matter, but I have forgotten the answer. As a practical matter, I do not believe it presents any problem. Who is going to enforce it?

Mr. TOWER. Are there not precedents for the courts striking down laws that are in contravention of treaty agreements?

Mr. FULBRIGHT. There certainly are State laws. I can think of that offhand. This is what I meant: If it is an act of Congress, passed subsequent to a treaty—I have to confess that I have not thought of that. I know that State laws in contravention of a treaty are not valid. We have had many such cases.

Does the Senator know offhand of a Federal case like this, a Federal law? He might be right.

Mr. TOWER. I am asking the distinguished Senator from Arkansas because he is a lawyer, and I am not.

Mr. FULBRIGHT. I am just sort of a lawyer. It has been 30 years since I really gave attention to these fine points of the law. I did not anticipate this particular question today, in which a treaty and an act of Congress passed subsequent to it are inconsistent. I had not thought of it, because the easy way to resolve it is simply to withdraw from the treaty.

Mr. TOWER. Perhaps I should explain why I am following what might appear to be a dubious line of questioning or what might be considered nitpicking. I want to distinguish between what we might be compelled to do by the treaty and what our options might be in the absence of the treaty, even though existing statutory law may prohibit precisely what the treaty prohibits. The question then is one of the preservation of options, and this is why I followed this line of questioning.

Mr. FULBRIGHT. Since we can withdraw from the treaty, I do not see that any significant option would be given up.

Mr. TOWER. But we can only withdraw from the treaty on 3 months' notice. We might want to legislate in a crisis situation in a very short period of time.

Mr. FULBRIGHT. Then, we just violate the treaty.

Mr. TOWER. In other words, the Senator from Arkansas is proposing that if we think it necessary, we should treat the treaty as a scrap of paper?

Mr. FULBRIGHT. Well, when we went into the Dominican Republic, we did exactly that. We had treaties with all of Latin America. Does the Senator mean to say that he thinks the United States has not done that? And it did it apparently with the approval of most of the people—not with my approval, but with the approval of the past administration.

This country does that in an emergency. The Senator from Texas posed an emergency case. I have already said that

in case of war, the treaty really would have no applicability—if we want to do what we please in the case of war. The understanding is that in case of war, the treaty is immediately abrogated by both parties—all parties, but certainly by the United States.

The Senator is posing a question of emergency, and I presume that by "emergency" he means a state of war or something equivalent.

I did not advocate, and I criticized very much, the invasion of the Dominican Republic in violation of our treaty, but it was done anyway.

Mr. TOWER. I was thinking about not necessarily an actual outbreak of war but an imminent threat of attack.

Mr. FULBRIGHT. Against us?

Mr. TOWER. No, against a friendly power, against an ally.

Mr. FULBRIGHT. Well, if it is under NATO, if the Senator is contemplating NATO, we have nuclear weapons there. We are in control of them. We can use them, and that is what they are there for; but we have already agreed not to turn the weapons over to them. Why would we want to turn the weapons over to them, in any case?

Mr. TOWER. I should like to ask the distinguished Senator from Arkansas another question.

Mr. FULBRIGHT. Do not make it so difficult. Ask me an easy one.

Mr. TOWER. In withdrawing from the treaty—let us say that we determine it to be in the national interest, or somebody in a position of leadership determines it to be in the national interest, to give the 3 months' notice of withdrawal—what would be the procedure of our withdrawal? Would it require action by Congress? Could the President do it on his own initiative?

Mr. FULBRIGHT. Under the treaty, the President could do it. That is my understanding. The Executive is given that power. I do not believe it takes an act of Congress.

Mr. TOWER. So the President could, on his own initiative, without any action from Congress, serve notice to the signatory powers that we intended to withdraw in 90 days?

Mr. FULBRIGHT. That is correct. That is my understanding. It is the customary notice of withdrawal from or abrogation of a treaty.

Article X reads:

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

This treaty does not impose any real restrictions on the nuclear powers. There is a significant restriction in this treaty that applies to non-nuclear powers who

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give up the right which they now have to manufacture weapons, and this is in the interest of everybody, even those powers that we believe—and they believe, I think—will achieve a greater degree of security than they now have.

I do not see that it really impinges upon the freedom of action of this country in any substantial way—certainly not with regard to the use of nuclear weapons. That is the complaint, of course, of the non-nuclear nations. The reason why we have article VI in the treaty is really to try to go some way toward giving the non-nuclear states a good reason for having the treaty.

The reason for the big countries, the so-called superpowers, or nuclear powers, is to take some step to lessen the probability of self-destruction. The desire for survival is a rather fundamental concern of most people. It used to be considered fundamental, at least. Sometimes I wonder if we still harbor that concern, and not only with regard to nuclear materials. When I look at the smog and some other things in this country I do not know whether we are as concerned with it as we used to be or not.

Mr. TOWER. I thank the Senator from Arkansas. I should like to say that I am very much concerned with survival. I reject the arguments that have been raised by many of the proponents of the treaty that this is a major step toward reducing the prospect of a nuclear holocaust or those who suggest that antagonists of this treaty are insensitive to human life.

I might note that I am the father of three daughters. I am a family man. I have no desire to see my children burned up in a thermonuclear attack. I think that the objective of the treaty is a lofty one. I wish we did not have any nuclear weapons at all, or a situation to require the United States to spend vastly more money on conventional weapons and conventional forces because the Soviets, for all practical purposes, have outstripped us in that field.

The only thing that stands between the ambitions of the Soviet Union and the present existence of the free nations of this world is the nuclear deterrent of the United States. It has been suggested that the Russians have the same legitimate fears that we do; that the Russians are concerned about the defense of their own country against possible aggression of the United States and her allies. We have heard that we have to understand that the Russians are just as afraid of us as we are of them.

Mr. President, I do not for 1 minute buy that naive argument, and it is naive at best. We are not an aggressor nation. In modern history we have not been an aggressor nation. We have been in four wars in this century. We have gone into each one of them reluctantly and unprepared to fight aggressors.

Immediately after World War II we demobilized. I can remember when I was an enlisted man in the Navy in Saipan, in the Marianas. It is not a very desirable spot. I could hardly wait until I had enough points to be sent back home and to be discharged from the Navy. If anybody wanted me back home more than I wanted to be back home, it was my

mother. She could be multiplied by several million mothers. We demobilized. We virtually abandoned our Armed Forces, but the Soviet Union did not.

The Soviet Union, by pillaging Germany and various Eastern European countries, not only rebuilt her industry but also updated her military forces.

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. TOWER. Mr. President, I yield myself such time as may be necessary.

The PRESIDING OFFICER. The Senator from Texas may proceed.

Mr. TOWER. Mr. President, in 1948, when it finally became apparent 2 years after Winston Churchill had made his famous speech in Missouri warning us of the Iron Curtain, we came to our senses after the entirety of Eastern Europe had been subjected to the efforts of the Soviet Union. Even after they had closed the autobahn and forced us to use the airlift into Berlin so that city might survive, we acted with restraint. We had nuclear weapons. We could have destroyed them, but we did not.

The Soviets have some knowledge of history. Even though they are terribly unpleasant people, they are not fools. They know we do not have aggressive designs on the rest of the world. They do not fear a resurgence of German militarism. Let us put this matter in its proper perspective. The Soviet Union is an aggressor power. They would prefer not to use military means. They would rather use economic, political, and psychological warfare to achieve their ends.

However, it was brought home to us dramatically last fall that they are prepared to use military force, if necessary, to achieve their ends. I hope we do not hear any more nonsense about the legitimate concerns of the Soviet Union for its own safety. They know we are not going to attack them or any of their allies. Let us get this matter in proper perspective. Why do we maintain this vast resource? It is not so we can initiate attacks against them or their friends; it is not because we desire to bring any territory or any people under our control. It is because we want to provide a climate in this world in which the people can enjoy self-determination and aspire to some real hope of realizing that aspiration.

So we have the nuclear deterrent and we have the North Atlantic Treaty Organization. For all its foibles, weaknesses, shortcomings, and for all its difficulties, had it not been for NATO the Russians would have been to the English Channel long before now.

So NATO itself is a deterrent, because it is a manifestation of the desires of the countries of the Atlantic Community to defend themselves against aggression and against encroachment. So NATO is tremendously important.

Certainly we do not have the conventional force to stop the Russians, should they mount a land war against us in Western Europe, but, as I say, the only thing that prevents such a war is the existence of NATO, wherein a collective decisionmaking process is available to the Atlantic Community nations to defend themselves, and the nuclear deterrent of the U.S. strategic superiority.

In my estimation, we should not now transfer nuclear weapons to Germany, to Italy, to Belgium, to Holland, or to any of our NATO allies. Such weapons should be kept under our control, and that is, indeed, precisely what the McMahon Act prescribes.

But why on earth can we not preserve our options? A time may come when this would seem to be feasible. I have some doubt whether under the provisions of this treaty we could legally establish a unified command structure for the deployment and use of nuclear weapons. We are not talking about strategic weapons; we are talking about the tactical use of the small, clean kind—if we can describe nuclear weapons as clean—weapons that might be needed to preclude and preempt a Russian land war against Western Europe.

Already France is a nuclear power. France has opted out of NATO, and France has opted out of NATO for several reasons, some known only to General de Gaulle himself, but for one reason that I think is very important: That is, the French do not believe that the United States will defend Western Europe. So they are out of NATO. France is a nuclear power on its own. It is not going to sign it.

Several other countries that possibly have the capacity to develop nuclear weapons are not going to sign the treaty. Israel is not going to sign it. India is not going to sign it. Switzerland is not going to sign it. I do not speak for those governments, but that is my belief. I do not know whether Japan will sign the treaty. Japan probably has made great progress in the development of nuclear weapons; but because of the particular intelligence of the Japanese, and because they were attacked by nuclear weapons, Japan might sign the treaty.

The fact of the matter is that there are nations who are independent of possible nuclear weapons who are not going to sign, and nations who possess nuclear weapons that will not sign. We are in the business of trying to revitalize NATO. The Soviets have long wanted to see NATO disbanded. They have long wanted to promote contention among the NATO powers. With this mischievous treaty, they will have done it.

The Germans do not want the treaty. The Italians do not want the treaty. They are our friends. We are discriminating—they use that very word “discriminating.” That is a word that, ordinarily, stirs the hearts of Members of the Senate in terms of discrimination as applied to some of our domestic affairs; but, apparently, it does not stir them very much when we talk about our friends and allies in Western Europe.

Yes, the Germans will sign. They will ratify the treaty. The Italians will also ratify it. But they will do so very, very reluctantly, indeed. They are embittered because they feel they are being discriminated against, that they will be forever compelled, at least for the duration of the treaty, which is 25 years, to be forced into the position of being a second-rate power.

France has the bomb. Germany and Italy do not. Indeed, France has chosen to take itself out of the NATO fraternity.

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Thus, we have done very little to promote the revitalization of NATO, the improved and enhanced integration of the command structure. We have done nothing to raise the morale of our Western allies by this treaty. We have, in fact, added to their frustrations and, indeed, weakened NATO.

It is for that reason, Mr. President, that I have offered a reservation which will allow us the option—simply the option—of transferring weapons to our Western allies, to NATO, should we choose to exercise that option.

I do not anticipate that we necessarily will choose to exercise that option, even if we have it, but I think the psychological effect on our Western allies would be salubrious, indeed, if we included that kind of reservation.

Remember, this is a bilaterally negotiated treaty. We did not consult our allies about it. We did not take into consideration their fears. It seems to me that we are sometimes more concerned about the welfare of the Soviets than we are of our friends.

Someone has argued that we have to have the treaty because the Russians desperately fear the Germans.

I wonder whether the Russians fear the Germans any more than the Germans fear the Russians.

Because, who has the upper hand right now?

Yes, the Germans will ratify the treaty. I heard a socialist member of the Bundestag say—the Bundestag is the lower house of the German Parliament, and Socialists are pretty liberal guys, great peace lovers—that, “We Germans must ratify the treaty. I wish the treaty did not exist, but it does exist and, therefore, we must ratify it.”

How do the Germans feel?

They feel that we are standing over them with a bludgeon, with a blackjack, and that they are being blackmailed into ratification of a treaty which they consider to be contrary to their national interest. They feel it will inhibit their industrial growth, that it will commit them to the position of a second-rate power, not on a par with France or the United Kingdom, and not on a par with their potential enemy.

Now, it has been argued that if the reservation is adopted, it means the same thing will apply to Warsaw Pact nations. That simply is not true, because international law dictates that a reservation attached to a treaty by a ratifying nation applies only to that nation, and the reservation does not extend to another nation which does not adopt it.

Of course, the Russians could, if we adopt this reservation, place a similar reservation which would allow them, if they chose, to transfer nuclear weapons to the Warsaw Pact nations. But, my friends, there is a vast difference between NATO and the Warsaw Pact. Any attempt to compare them is like comparing apples and oranges. They are not the same. Most of the Warsaw Pact nations are, for all practical purposes, under the effective political and military control of the Soviet Union. The nations in NATO are not under the political or military control of the United States. We

would not attempt to impose our will upon them by military means. Indeed, it is doubtful that we could, unless we wanted to use the nuclear threat, and that is foolish even to contemplate.

Thus, let us think in terms of what is good for NATO.

I think this reservation would have a salubrious effect on NATO and would contribute to the revitalization of this defense community, which is, I think, so vital to the stability of the free world.

Mr. President, I think one man who has contributed a great deal to the argument for the reservation preserving the NATO option is my distinguished colleague in the other body, Representative PAUL FINDLEY, of Illinois. I should like to read from a memorandum that he prepared for me, and then eventually ask consent to place the memorandum in the RECORD. He says:

In less than 100 years, three major wars have started in Europe because of the jealousies, hates, and fears of the individual European states. Whatever the faults of NATO and the Warsaw Pact, they have at least had the effect of restraining the old European jealousies which ignited the sparks of war.

I think we do nothing to contribute to the restraint of those jealousies when we elevate the have's for a period of 25 years above the have-nots.

Mr. President, this reservation that I offer is actually a position that was taken by the Eisenhower, the Kennedy, and the Johnson administrations initially when this treaty was being talked about and eventually negotiated. It is a position that we abandoned to the Soviet Union.

Now let us look to the very present possibility that if we fail to adopt this reservation, the Russians are going to try to achieve some accommodation with some of our Western Allies, such as Germany. They can go to Germany and say, “Look, you cannot have nuclear weapons, anyway. So why not agree to a nuclear free zone?”

This is something the Russians have been trying to achieve since 1950—a nuclear free zone. If anything is calculated to pull the teeth of a deterrent to Russian aggression in Western Europe, it will be the creation of a nuclear free zone.

So, Mr. President, I urge the adoption of my reservation.

The PRESIDING OFFICER. Who yields additional time?

Mr. FULBRIGHT. Mr. President, I promised to yield 5 minutes to the Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, when I first gave consideration to this treaty, certain doubts arose in my mind relative to inspection safeguards provided under article III, and also article V, which relates to the extension of economic assistance to non-nuclear signatories to the treaty. I wish to say that those doubts have been resolved to such an extent that I think we would now do well to approve this treaty.

Another factor which influences me in giving my full support to this treaty is the fact that the prestige of the President of the United States would take a nosedive if it were not approved at this time; and certainly we need to have our

President have the fullest prestige around the world if we are to succeed in our progress toward a peaceful world.

There is, however, another allied subject on which I would like to speak for 2 minutes, which I believe is very important. It relates to the defenses of the United States and our own national security.

Yesterday Senator PASTORE, the distinguished vice chairman of the Joint Committee on Atomic Energy, placed before the Senate information concerning an amendment to the United States-United Kingdom Mutual Defense Agreement on the uses of atomic energy. In connection with this amendment to the United States-United Kingdom Agreement for cooperation, I note that the British Government undertook, in the original agreement in 1958, not to disclose any naval nuclear propulsion technology obtained from the United States to other governments without the express agreement of the United States.

The United States, for security and other reasons, has limited assistance in naval nuclear propulsion solely to the British Government, and has denied a number of requests by other governments for such assistance. It is natural to assume that these other governments may at some time request naval nuclear propulsion assistance from the British.

I urge the State Department, the Defense Department, and the Atomic Energy Commission to maintain the closest possible contact with the British Government to assure that adequate protection is always afforded the United States in the naval nuclear propulsion technology previously transmitted to the United Kingdom under this treaty, and that the United States is fully apprised and consulted regarding any British plan to assist other governments in the field of naval nuclear propulsion.

I wish to emphasize that, although I do not oppose—in fact, I favor—the provision of limited quantities of enriched uranium and other materials to the British for their own nuclear submarine program, I do oppose additional assistance to foreign governments of naval nuclear propulsion technology.

The recent dramatic improvements which have been made by the Soviets in their nuclear submarine force make it more important than ever that the most stringent protective measures be applied to the technology which provides the United States with its advantage in this field.

I urge the executive branch and the Congress to continue the policy of holding this important technology closely within the U.S. naval nuclear propulsion program.

Mr. President, we are satisfied that other countries, particularly Russia, have been making very rapid gains in overcoming what, up to now, has been United States nuclear submarine superiority. And it is my belief that our Polaris underwater fleet has done as much toward preventing the spread of war over the world as any other factor of our defense program.

I thank the Senator from Arkansas for giving me time, and I want to assure him

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that I intend to vote for approval of this treaty. We have gone so far that it would be disastrous not to approve it at this time.

Mr. FULBRIGHT. I thank the Senator. I know his opinion will have great weight with Members of this body.

Mr. President, I yield 12 minutes to the Senator from Idaho.

Mr. CHURCH. Mr. President, almost 25 years ago some of the finest scientific minds of this era huddled in bunkers on a dry mesa near Los Alamos in New Mexico. These men, led by J. Robert Oppenheimer, were the creators of, and witnesses to, the first atomic bomb explosion.

The device itself was installed on a tower platform high above the desert floor. Shorn of its housing the first atomic bomb, according to contemporary accounts, resembled a peeled orange bolted together to make a sphere of some 5 feet in diameter. Inside this curious object was a mere 5 kilograms of plutonium, that potentially deadly byproduct of the fission process in nuclear reactors. These few kilograms of plutonium were of such an exotic and valuable commodity in 1945 that Dr. Oppenheimer was concerned that the United States would have only enough plutonium to test-detonate a single atomic bomb.

I think it would be appropriate, as the Senate considers giving its advice and consent to the pending Nonproliferation Treaty, to recall Dr. Oppenheimer's thoughts and first reactions after the detonation of this new and terrible force. He said:

A few people laughed, a few people cried, most people were silent. There floated through my mind a line from the *Bhagavad-Gita* in which Krishna is trying to persuade the Prince that he should do his duty: "I am become death, the shatterer of worlds."

I think we all had this feeling more or less.

As Dr. Oppenheimer and his fellow physicists reflected on the meaning of the development of this nuclear weapon, Oppenheimer recalled that "we felt the world would never be the same again."

Dr. Oppenheimer's eloquence and his concern are worth remembering today when we consider that the first atomic bomb which shattered the desert silence in New Mexico and turned the desert floor to glass was made from a mere 5 kilograms of plutonium. Five kilograms. To put the problem squarely of what is at stake as we consider this treaty, compare these hard won few kilograms of plutonium with the estimated production in 1980 of 45,000 kilograms of plutonium from civilian nuclear power reactors located outside of the United States. Another estimate is that the plutonium production of reactors in the Western World alone will, in less than 10 years, run as high as 20 tons of plutonium per year. Twenty tons as compared to the 10 pounds used in the first atomic detonation.

It is the growing world realization that the byproduct of commercial nuclear power is producing enough plutonium to destroy the world many times over, that has given such a strong stimulus to the negotiations which have now led to a treaty to slow the spread of nuclear weapons.

The treaty before us is fundamentally an exchange of pledges. The nuclear weapons states such as the United States, the Soviet Union, and Great Britain pledge, under the provisions of this treaty, not to transfer nuclear weapons or nuclear weapons skills to others. For their part, the nonnuclear states who become parties to the treaty pledge not to receive, manufacture, or to otherwise accept nuclear weapons. For all of the disagreements on the implications arising from U.S. adherence to this treaty, the fact is that the Nonproliferation Treaty is an important, if only half-way and belated, effort to ease the growing threat to world security of a further spread of the materials and skills necessary to build atomic weapons.

Why should the United States as a major nuclear power be concerned about the further spread of these weapons? In the first place, every new addition of nuclear weapons increases the likelihood of an accident involving a nuclear explosion. It required an enormous investment and all of the technological skills of the United States in the field of nuclear weapons safeguards to prevent the collision of two B-52's in the skies over Spain from resulting in the accidental detonation of the nuclear weapons aboard. Imagine how much higher would have been the chances for a massive disaster if the nuclear weapons involved had belonged to a poorer and less technologically developed country than the United States. An adequate investment in devices to prevent accidental detonations is likely to be the first item a parvenu nuclear weapons power will cut back in order to reduce expenses. I think we can anticipate, therefore, that if these weapons spread much further throughout the world, one day there will be an accidental nuclear detonation of tragic proportions.

If the increased likelihood of accidents involving nuclear weapons will be one result of their proliferation, we should also consider the increased risks for the United States if a regional conflict such as the one now smoldering in the Middle East should ever involve nuclear weapons. Imagine the dangers to international peace if either Arab or Israeli now possessed nuclear arsenals. Would we be drawn into such a war? Could we stay out if one or more countries in the Middle East were threatened with total destruction? The treaty before us is designed to retard that spread of nuclear weapons and thereby give the world a better chance to avoid clashes involving nuclear devices.

I believe these nightmares will become realities if the effort is not made to stop, or at least to retard, the further spread of nuclear weapons. Stripped of all the technicalities and semantics, the pending treaty is just such an effort. So much of the public dialog surrounding the treaty has turned on the question of the reliability of the Soviet Union as a party to this treaty, the tragedy of Czechoslovakia, the adequacy of inspection, and the problems of the commercial exploitation of nuclear explosive devices, that the very essence of the Nonproliferation Treaty is sometimes obscured.

These questions of inspection, commer-

cial exploitation, and the like are certainly important and must be dealt with openly and candidly. But at the same time we must not be distracted from considering the essence of this treaty and its alternatives.

As a member of the Committee on Foreign Relations, I endorse the conclusions of the majority report of the committee that the Nonproliferation Treaty represents a beginning, perhaps an important beginning, in controlling the further spread of nuclear weapons. I agree further with the majority position that although there are potential problems in the safeguards field that these problems can be dealt with and that a worldwide, reliable inspection system can be developed.

It must be remembered, moreover, that the proliferation of nuclear arsenals, giving an increasing number of foreign governments the power to trigger off a nuclear war, poses an identical threat to both the United States and the Soviet Union. The extreme danger that such a war would quickly escalate into a full-scale thermonuclear exchange, in which the two nuclear superpowers would inevitably become the principal targets, creates a parallel interest on the part of both nations to keep the number of nuclear triggers loose in the world at a minimum.

This is the purpose of the treaty. It is in no sense grounded upon trusting the Russians, but rather upon a rational recognition that the Soviet Union, as well as the United States, has a vital self-interest in observing the treaty and trying to make it work. Moreover, our intelligence capabilities are such that we could identify any substantial or sustained violation of the treaty by the Russians, should that ever occur.

At the present time, some 40 nations possess operating nuclear reactors which could be used in the development of nuclear weapons at a future date, unless these governments bind themselves to refrain, including submission to subsequent international inspection, as contemplated by the treaty.

Naturally, there is no copper-riveted guarantee that any treaty will be kept. All governments, including our own, have broken treaties when it suited them to do so. The test is whether the risk under the treaty is less than the risk without it. In the application of this test, four American Presidents have concluded that our own best interests would be served by slowing the spread of nuclear weapons.

I have weighed the evidence, over a long period of time, under both Democratic and Republican administrations. Since the treaty affects neither the size nor shape of our own nuclear weapons system, and since it could reduce the danger of a general nuclear conflagration in which we, ourselves, would be consumed, I shall vote in favor of its ratification.

I would also like to make it clear that my support of this treaty is in no way related to my opinion of the Soviet Union's actions in Czechoslovakia. The Russian invasion of Czechoslovakia was an inexcusable intervention born of a pathological fear of change. But Rus-

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sian interference in Czechoslovakia, however much we may deplore it, furnishes no rational basis for refusing to subscribe to a treaty that is multilateral in character and solidly rooted in the best interests of the United States. In giving our advice and consent to this treaty, we are not ratifying Soviet behavior in Czechoslovakia but showing our approval and support of a treaty that serves our national needs, and the interest of international peace and security as well.

I suggest, as we consider this treaty, which is intended to slow the spread of nuclear weapons, that Dr. Oppenheimer's quotation from the Bhagavad-Gita remains all to appropriate:

I am become death, the shatterer of worlds.

Atomic energy when used to destroy man and his works can indeed become death and the shatterer of worlds. We have an opportunity by ratifying the Nonproliferation Treaty to at least restrain, if not to finally contain, this potential shatterer of worlds.

Mr. JAVITS. Mr. President, I yield myself 9 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 9 minutes.

Mr. JAVITS. Mr. President, I rise for two purposes—first, to make a general statement on the treaty before us; and, second, to oppose the reservation proposed by my distinguished colleague, the junior Senator from Texas.

In evaluating the reservation, I wish to make clear my respect for his objectivity and the desire of the Senator from Texas to see that the national security of our country is preserved.

I hope the Senator will recognize my remarks as being in that vein.

What we have tried to do is to get at the best bargained arrangement we could with respect to a basic policy decision which is to stop the spread of nuclear weapons. In doing that, each of us—we and the Soviet Union—has assumed awesome responsibilities.

I thoroughly agree with the interpretations which have been made here concerning the United Nations Security Council resolution with respect to the security of non-nuclear-weapon states which sign the treaty is separate and apart from the treaty. Nonetheless, I point out that we do not approve that arrangement here but we do rather approve the treaty as it stands before us; no more and no less.

I think that there is one thing that is clear. We continue to have the obligation of NATO. The very concept of the Nonproliferation Treaty which we are considering encourages greatly the idea of security arrangements, because it is to be noted that this Security Council resolution, which President Johnson in the exercise of his power as the chief negotiator on the part of the United States entered into, reaffirms the inherent right of self-defense.

We have adopted the construction—it has not been challenged—which is incorporated in the documents before us, that if there is a new federated European state, then the nuclear status of one of its components; namely, the United King-

dom, would extend to that federated state. Thus, within the purview of this treaty, NATO countries could still acquire nuclear status through political union. Conversely, it seems to me that the main problem with the reservation is that it would mean killing the treaty. I am against that because I think the treaty is desirable.

Another drawback of the reservation is that if we give nuclear weapons technology to a regional security group, and that group breaks up, each of those powers would then have nuclear weapons status.

We would then be running exactly contrary to the desire to confine the possession of nuclear weapons, which is the purpose of the treaty. I can hardly conceive of this being conducive to our objective with respect to the treaty. It would work exactly in reverse of the fundamental policy of the United States as it pertains to the treaty.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I have only 9 minutes. Would the Senator from Texas indulge me and grant me another minute if I require it?

Mr. TOWER. Yes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, the Senator is saying that if there were a federation in Europe participated in by the United Kingdom, regardless of how many countries are involved, each would be a beneficiary of the nuclear rights under the treaty.

Mr. JAVITS. That is correct, if the federation were to dissolve.

Mr. TOWER. They would all be nuclear powers if they had been parties to the federation.

Mr. JAVITS. I understand. However, the point is that the inducement to enter into the treaty is also an inducement to enter into a regional or collective security arrangement. That is the point I make. Remember that any regional organizations would come after the treaty and not before. Hence, as we stand now, we have a great inducement to do this. If we adopt the reservation of the Senator, it would only relate back to NATO and other security arrangements which now exist. That would expose us to the risk of proliferation of nuclear weaponry and nuclear technology to all of those member powers.

Mr. TOWER. Mr. President, I wonder whether the stultifying effect of a country being compelled to curb its own efforts to develop a self-sufficiency in the defense field through the development of nuclear weapons is really going to be conducive to the unification of Western Europe.

Mr. JAVITS. Of course, this is the essence of the Senator's whole reservation. I gather that. However, I notice with very great interest that he uses the concept of defensive weapons, which is a classic way to get to the point. However, I believe the stultifying effect, as the Senator refers to it, is to be preferred over the more liberating concept which would come by way of this reservation. In my judgment, our cause will be pro-

moted by taking it as it is rather than adding this reservation.

I think if we were to add the reservation, we would go along a new track which I do not think is as desirable and which obviously is not in accord with the policy which induced us to go into this matter in the first place, to wit, the non-proliferation of nuclear weapons.

On the general matter of the Nonproliferation Treaty now being considered by the Senate, the one thing I would like to emphasize very strongly and sharply is the fact that this treaty is a platform which is absolutely essential to put us on the road to further progress toward nuclear arms control, particularly in the antiballistic missile field which is the next step up.

The Nonproliferation Treaty now before the Senate for ratification is important in its own right. But its full significance can be judged only in context of the larger issue at stake. Whether we like it or not, we are engaged in a hectic race to our nuclear destiny. That destiny can be an atomic Armageddon ending in the extinction of the human race; or a world rule of law in which the bounties of nuclear and other technology can eliminate the age-old causes of human misery and deprivation. There is no room for complacency with regard to the earnestness and the relentlessness of this race or of the alternatives.

The Nonproliferation Treaty is a step on the path toward a better chance for a more peaceful world; and gives momentum to our movement toward further arms control and disarmament agreements. And renewed momentum is sorely needed because our progress thus far has been desultory and intermittent.

Meanwhile, the advance of technology has brought us to the brink of a major new escalation of the arms race; as a whole new generation of nuclear weapons systems has reached maturity in the research and development stage.

We must consider this treaty not so much based on the lessons of the past as from the perspective of the requirements of the future. In this light, it is not an end in itself but a significant step forward in a long and urgent journey. We are by no means free to set a leisurely pace for ourselves. As Dr. York pointed out so eloquently in his testimony yesterday before the Disarmament Subcommittee of the Foreign Relations Committee, the deployment of the Sentinel ABM system could move us into a new era in which the decision to fire nuclear weapons would be surrendered from human control to that of preprogrammed, high-speed computers. Once we cross that threshold—in which the highest functions of leadership and decisionmaking are usurped by machines—we may find ourselves beyond the point of no return on the road to an eventual atomic Armageddon.

Primarily for this reason, I consider article VI of the Nonproliferation Treaty to be its potentially most important clause. Article VI commits the present nuclear powers, primarily the United States and the U.S.S.R., "to pursue negotiations in good faith on effective measures relating to cessation of nuclear arms

race at an early date." This article would, if the treaty is ratified, be the takeoff point for arms limitations negotiations on the ABM and other offensive and defensive nuclear weapons.

The Nonproliferation Treaty seeks to prevent the proliferation of nuclear weapons to nations not now possessing them. This is an important objective which can have a direct bearing on the prospects for world peace in the last third of the 20th century.

But we should make no mistake about it. The gravest threat to mankind's survival today lies not so much in the dangers of "horizontal" proliferation of nuclear weapons to nonpossessor states as it does in the dangers of "vertical" proliferation of nuclear weapons systems in the possession mainly of the two super powers.

Article VI not only points the way but it places upon us an inescapable responsibility. The provisions of article VI are consistent in every way with the expressed policy of our Government, and with our own urgent national interest.

It is precisely because negotiations with the Soviet Union for limitations on the deployment of strategic offensive and defensive nuclear weapons systems are so urgently in our own national interest that Senators have sought so earnestly to delay deployment of the Sentinel ABM system to give the Senate a chance to act on the treaty and to allow the broader arms limitations discussions to start. We are very anxious that the prospects for negotiations with the U.S.S.R. in accordance with article VI not be prejudiced in advance, as a decision to plunge ahead with Sentinel and other new weapons systems could do.

I am confident that President Nixon appreciates the full dimensions of the issue before us. His decisions with respect to the Sentinel ABM system and with respect to negotiations with the U.S.S.R. are, when coupled with the end of the Vietnam war, apt to be viewed by history as the most portentous of his administration.

Negotiations for the control of nuclear weapons carry us onto new and uncharted seas. The very novelty of this course inevitably produces a certain sense of uneasiness, for we are by nature a habit-loving species. But the great test which challenges us now is our capacity to adjust to an accelerating pace of change. Just as the weapons systems of today and tomorrow require the inventors to "think the unthinkable" in terms of destruction, we who are charged with responsibilities of preserving peace must condition our minds to "think the unthinkable" in terms of new agreements and cooperative arrangements even with our deadliest adversaries.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself such time as I may require.

Mr. President, all I can say about this is that it is clearly in contradiction to one of the principal purposes of the treaty. It reserves to us the right to give nuclear weapons to a regional arrangement. In our case, it could be NATO. Or, if we wanted to, we or the Russians

could give one to the Warsaw Pact countries, because it is considered a regional arrangement, also. I am not sure that the Senator from Texas intends that we give it to them.

In any case, it would require the renegotiation of the treaty. It is absolutely in contravention of the treaty. I do not believe the other members would accept it, because to a great extent it makes a nullity of the entire purpose of the treaty. I hope the Senate will not accept it.

So far as I am concerned, I am ready to vote, if the Senator from Texas is. I ask the Senator from Texas whether he is ready to vote.

Mr. TOWER. I have a few more remarks to make.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. On the point that the Senator has just made, would there be any reason why, under the particular wording now being debated, the United States would not be free to offer nuclear weapons to the members of the OAS?

Mr. FULBRIGHT. No. It is a regional organization.

Mr. HOLLAND. Well, is that a thinkable position for us to take?

Mr. FULBRIGHT. I do not think it is. In the first place, it is against our existing law. This provision, in effect, contravenes existing law—I mean the domestic law of this country—and it is against the policy we have followed for 25 years. That is what I said. I know it is not consistent with existing law and with the purpose of the treaty. That is why I believe it is unacceptable, and I hope the Senate will not agree to it.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

Let us be serious. After all, what I am trying to do is to preserve for the United States an option, which it may or may not exercise, at its discretion. I am not suggesting that we proliferate nuclear weapons to the OAS or to SEATO or to CENTO or even to NATO. I am not suggesting that we do that. I am not suggesting repeal of the McMahon Act, which prohibits this. All I am doing is saying that a treaty provision enjoys the status of a provision of the Constitution of the United States, and we cannot legislate in contravention of it. All I am saying is that we should keep the option, so that we can exercise it if we choose. I am sure that the Senate and the House of Representatives, in their usually good judgment, are not going to come in here and start legislating to the effect that we start giving nuclear weapons to everybody.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a correction?

Mr. TOWER. I yield.

Mr. FULBRIGHT. A moment ago I said that I thought my memory was correct. The Senator is not correct in saying that a treaty is the same as a provision of the Constitution. It is not. A law passed by Congress subsequent to a treaty, in contravention of the treaty, takes precedence. It is not like a constitutional amendment. A treaty may create certain obligations in the mind of a foreign country, but domestically

it does not. Therefore, a law passed subsequent to this treaty, contrary to the treaty, would be the law of the land.

A treaty is not the same as a provision of the Constitution. A moment ago we discussed this, and I said that I was a little fuzzy about this. I dislike to get into abstruse discussions of constitutional law in the midst of one of these debates, because we can go on forever.

I have consulted the authorities on it, and I am quite sure that the Senator is not correct in saying that it is the equivalent of a provision of the Constitution of the United States. That is not so.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield. I am sorry I brought it up, if it will result in a long discussion. I yield.

Mr. ALLOTT. I did not bring it up.

Mr. FULBRIGHT. I did. I apologize.

Mr. ALLOTT. There is no question in the Senator's mind, is there, that if a treaty is partially in contravention of a previously passed statute, the treaty is the supreme law of the land?

Mr. FULBRIGHT. If the treaty is subsequent in time to the law, the treaty of course is the latest expression of Congress, and it takes precedence over the earlier passed law. But if we now pass a law subsequent to approval of the treaty, the law takes precedence. That is the latest expression of Congress, and it does not have to go through the procedures of a constitutional amendment. That is all I was trying to say.

Mr. ALLOTT. That is correct.

Mr. TOWER. What the Senator is saying is that we could, by a joint resolution, perhaps, abrogate a treaty provision at any time.

Mr. FULBRIGHT. I would think so. A joint resolution is a law of the land, signed by the President, in contrast to a concurrent resolution.

Mr. TOWER. Could the Senator cite the precedents on this?

Mr. FULBRIGHT. This is from the "Senate Library, Constitution of the United States of America Annotated, 80th Congress, First Session, 1963," page 470. I shall not read it all, but I shall read enough of it to answer the question:

In short, the treaty commitments of the United States in no wise diminish Congress' constitutional powers. To be sure legislative repeal of a treaty as law of the land may amount to a violation of it as an international contract in the judgement of the other party to it. In such case, as the Court has said, "Its infraction becomes the subject of international negotiations and reclamations, so far as the injured party chooses to seek redress, which may in the end be enforced by actual war. It is obvious that with all this the judicial courts have nothing to do and can give no redress."

Treaties versus prior acts of Congress: The cases are numerous in which the Court has enforced statutory provisions which were recognized by it as superseding prior treaty engagements.

There is much more to it, but I believe that answers the question.

Mr. TOWER. Would the Senator from Arkansas take lightly the notion of voting for a measure that was in contravention of a treaty provision?

Mr. FULBRIGHT. No, I would not take it lightly, just as I would not take lightly the reservation the Senator has offered, which is contrary to the existing law of the land.

Mr. TOWER. But, of course, if we did, through legislation, violate a treaty provision, we would be subject to whatever sanctions might be provided in the treaty or, let us say, the safeguards that are yet to be negotiated, to which we submitted ourselves.

Mr. FULBRIGHT. The treaty does not submit us or subject us to the safeguards. Those safeguards are for the nonnuclear powers.

Mr. TOWER. Then, if this is the case, what really is the purpose of a treaty, if it can be done away with that lightly?

Mr. FULBRIGHT. The treaty provides for withdrawal on 3 months' notice. That is rather short, I must say. This treaty is a very minor step toward agreements with the other nuclear powers, particularly Russia, toward an effort to deescalate the arms race.

The Senator a moment ago, I believe, overstated the case. Those of us who favor it are not passionately devoted to it as the ultimate step toward peace. None of us thinks it is a panacea for the world's ills. None of us thinks it is a cure for the possibility of nuclear war.

But we do think it is a very small but significant step toward better relations with the world. The only way I can put it is to contrast it with a possible approach of some people who believe that the only way to solve these difficulties is by an all-out war and, therefore, the sooner we confront Russia in an all-out war the better. We take a different view and say that any effort to reconcile our differences is better. This is no different than a fisheries agreement or an Antarctic agreement, or any other agreement where our mutual interests would warrant our moving in that direction.

I do not look forward to this being of great significance but as one step in the right direction. This is the way I would characterize it.

Mr. DODD. Mr. President, will the Senator yield to me for just a few questions?

Mr. TOWER. I shall yield to the Senator in a moment.

Mr. DODD. I thank the Senator.

Mr. TOWER. Mr. President, in the Curtiss-Wright case in 1936 the Supreme Court held that the power to conduct foreign relations was a necessary concomitant of nationality which would vest in the National Government regardless of constitutional provisions.

If this were carried to its logical conclusion I have no doubt it would not be as difficult to strike out any action of Congress under any treaty obligation we had.

I see this as an inhibition in free action on the part of the United States which we determine to repeal the McMahon Act. I do not think we can conceive that is going to happen. I do not know why we are going to deny ourselves the opportunity to legitimately exercise an option if we choose to.

I would say it would be manifestly unwise for us to transfer nuclear weapons to anybody right now. However, we can-

not anticipate what is going to happen a few years hence. Thirty years ago would anybody have anticipated that we would be so closely allied with Japan and Germany? I doubt it. Thirty years ago we did not know we would have nuclear weapons, nor did we know it 25 years ago.

I think we better consider the fact that we cannot predict the future, and we should keep our options open when we are engaged in a deadly game of trying to deter the ambitions of aggressive powers. If anyone wants to debate the point as to whether or not the Soviet Union or Red China are aggressor powers I would be delighted to debate that point from now on.

I think we are being extremely naive. Regardless of the statement by the Senator from Arkansas that we do not regard it as a panacea, the fact is that this has been used as an argument. When people talk about a nuclear holocaust and children burning and the only way to stop it is with this treaty, I think we are being lulled into false security. The next thing we will hear will be, "Why do we not start disarming; and if we disarm, the rest of the world will bring moral pressure on the Soviet Union to compel them to do the same thing." If anybody believes that, we are, indeed, in trouble.

I am delighted to yield to my friend from Connecticut.

Mr. DODD. Mr. President, I do not think the Senator was present yesterday when I said:

As early as September 1960, President Kennedy called for a "new approach to the organization of NATO." He suggested, among other things, that our allies "may wish to create a NATO deterrent, supplementary to our own, under a NATO nuclear treaty."

Two years later, speaking in Copenhagen, Mr. McGeorge Bundy said:

"If it should turn out that a genuinely multilateral European deterrent, integrated with ours in NATO, is what is needed and wanted, it will not be a veto from the Administration in the United States which stands in the way. . . ."

Mr. TOWER. I am glad that the Senator has enlightened us on this history about President Kennedy's attitude. As I noted earlier, President Kennedy took the approach that when we started talking about negotiating this treaty, one of the positions of the United States was that we should preserve the NATO options. This is a position we abandoned about 1967 or about the time the treaty was finally consummated. This was the original position held by Presidents Eisenhower and Kennedy and initially by President Johnson.

Mr. DODD. Would it in any wise strengthen the Senator's proposed reservation if language were added providing that the weapons and materials will be placed in the custody of the nuclear weapons nations who are members of the regional organization in question? I am thinking of NATO. The Senator from Arkansas suggested there might be some other approach, but I find it hard to conceive of one. Perhaps there could be some language such as I have suggested, leaving question of command over the use of these weapons to the

individual and collective decision of the member nations of that organization.

Mr. TOWER. I appreciate the thrust of the Senator's statement. My thinking would be that rather than proliferate weapons to nations individually, if we felt there should be a transfer of nuclear weapons, that it would be with an integrated command structure. But again, this might be inhibiting and make it unwieldy because we cannot anticipate what kind of structures we might want to submit to.

I would prefer to keep it in this form. If we fail, we may try something else.

Mr. DODD. The big roadblock seems to be that our present law would prohibit it.

Mr. TOWER. The Senator is absolutely correct. Even if we adopted that reservation, we could do nothing unless we amended or repealed the McMahon act.

Mr. DODD. That answers the question.

Mr. TOWER. Any transfer of weapons will have to be surrendered to the judgment of the Congress. What we are doing is preserving an option.

Mr. FULBRIGHT. I am ready to yield back the remainder of my time.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time.

Mr. FULBRIGHT. Does the Senator wish to request the yeas and nays?

Mr. TOWER. Yes, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to Executive Reservation No. 1. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I also announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), and the Senator from Ohio (Mr. YOUNG) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from Colorado (Mr. DOMINICK) is absent because of illness.

The Senator from Vermont (Mr. PROUTY) is detained on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK) and the Senator from Vermont (Mr. PROUTY) would each vote "nay."

The result was announced—yeas 17, nays 75, as follows:

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[No. 18 Ex.]

YEAS—17

Allen	Fannin	McClellan
Cook	Goldwater	Murphy
Curtis	Gurney	Talmadge
Dodd	Hollings	Thurmond
Eastland	Jordan, N.C.	Tower
Ervin	Long	

NAYS—75

Aiken	Griffin	Muskie
Allott	Hansen	Nelson
Anderson	Hart	Packwood
Bayh	Hartke	Pastore
Bellmon	Hatfield	Pearson
Bennett	Holland	Pell
Bible	Hruska	Percy
Boggs	Hughes	Proxmire
Brooke	Inouye	Randolph
Byrd, Va.	Jackson	Ribicoff
Byrd, W. Va.	Javits	Russell
Cannon	Jordan, Idaho	Saxbe
Case	Kennedy	Schweiker
Church	Mansfield	Scott
Cooper	Mathias	Smith
Cotton	McCarthy	Sparkman
Cranston	McGee	Spong
Dirksen	McGovern	Stennis
Dole	McIntyre	Stevens
Eagleton	Metcalf	Symington
Ellender	Miller	Tydings
Fong	Mondale	Williams, N.J.
Fulbright	Montoya	Williams, Del.
Goodell	Moss	Yarborough
Gore	Mundt	Young, N. Dak.

NOT VOTING—8

Baker	Gravel	Prouty
Burdick	Harris	Young, Ohio
Dominick	Magnuson	

So Executive Reservation No. 1 was rejected.

NPT AND DEFENSIVE PROLIFERATION

Mr. SPARKMAN. Mr. President, I rise in support of Senate consent to ratification of the Nonproliferation Treaty, a treaty which has now been signed by 87 nations, nuclear and nonnuclear, big and small. I personally believe it is quite essential that the Senate not only "consent" to the ratification of this treaty, but in so doing, indicate its firm support for the principles that are embodied in this treaty's text, namely, preventing the further spread of nuclear weapons and striving to bring the nuclear arms race under control, while at the same time promoting the development and availability of the peaceful uses of nuclear energy.

My interest in promoting these objective stems in part from the fact that, in Senator FULBRIGHT's absence last summer, I chaired the hearings on the Nonproliferation Treaty and thus had an opportunity to become more familiar with the testimony given than might be the case otherwise.

During the committee's consideration of the treaty last summer, one suggestion put forward was that the treaty should not preclude the United States from transferring to friendly nations custody and control over "purely defensive" nuclear weapons.

Dr. Edward Teller of the Lawrence Radiation Laboratory and chairman of the Divisional Advisory Group of the Air Force Space and Missiles Systems Organization, testified:

It seems to me, therefore, necessary to declare that weapons which are designed for defense and can be used for defense alone are in the interest of peace. That when and if such defensive systems are properly developed, the necessary steps will be taken to make them widely available for self-defense, and that this will be done even if it requires modification of existing laws or treaties.

I, therefore, explicitly recommend that the Senate make it known that it looks with favor on the development of effective defensive systems, and that by ratifying the treaty the Senate does not intend to preclude the deployment of purely defensive arrangements, if and when these become available.

Senator TOWER has now suggested that a reservation be attached to the treaty to permit the proliferation of defensive weapons to regional organizations established under article 52 of the charter of the United Nations. Such a reservation would, of course, require renegotiation of the treaty and destroy it.

To begin with, there is the imposing fact that as of now there is no such thing as a "purely defensive" nuclear weapon. Dr. Teller's testimony recognized this. And once a missile with a nuclear warhead is in a nation's possession, it can at present be used for attack as well as defense. There is no foolproof way of rigging nuclear weapons to fire only defensively.

Of course, in theory at least, it may be technically feasible in the future to design tamper-proof systems which would prevent an anti-ballistic-missile warhead from being used as an offensive weapon. However, even should this prove possible, the nation receiving such a tamper-proof defensive weapon could discover the technology of manufacturing offensive nuclear weapons by uncovering the secrets of the defensive weapons in its possession. Once the non-nuclear-weapon state had custody and control of the tamper-proof ABM, it would be possible for that state, by the use of X-rays and other scientific techniques, to develop highly sensitive design information on the warhead even though the warhead case remained intact and untampered with. From such information a nation could manufacture its own offensive thermonuclear weapons and the objective of transferring for defensive uses only would have been negated.

Even were we to assume that nuclear weapons could be designed so that they would be used only for defensive purposes and even if information for use in offensive weapons could not be uncovered through the use of X-ray or other sophisticated devices, there are several political and economical problems which would indicate distinct disadvantages in providing "purely defensive" nuclear weapons.

For one, we have no idea what something not yet developed is likely to cost.

Also, since it would be necessary to "seal" the casing of the ABM warhead so that the country to whom it is transferred cannot get inside the weapon to deactivate the safety device and convert it to offensive purposes or to obtain vital design information, one might ask how the country to whom the ABM was transferred and in which it had invested vast sums of money could be sure that the warhead was in a proper state of maintenance. And how could the United States be absolutely certain that given enough time and patience the receiving country could not devise a means of penetrating the casing?

Of course, again there may be technically feasible answers to these technical questions, but the further one lets

his imagination run in this field, the greater the political difficulties in any proposed arrangement seem to become. It basically does not seem realistic to expect a country to go to the great effort and expense of installing an ABM system of its own and yet have the key to that system be a warhead which it is not permitted to maintain and which, under one theory, would be set so as to blow up if tampered with—an arrangement which could hardly add to the ease and sense of security of the recipient.

In addition, from the point of view of a third country which might find itself threatened by one of its neighbors acquiring a nuclear potential, it taxes belief to assume the third country would accept at face value the assertion that the warhead acquired was solely defensive in nature.

Mr. President, I have addressed myself to several of the technical sides of this issue of defensive proliferation to demonstrate its dubiousness from even the technical point of view.

Of course, the most important and telling argument against those who advocate defensive proliferation is the fact that our own domestic laws prohibit it, with or without the Nonproliferation Treaty. I think it bears repeating that the U.S. option to proliferate nuclear weapons of any kind to any other country was foreclosed by Congress in 1946 with the adoption of the McMahon Act. Section 92 of the legislation which succeeded it, the Atomic Energy Act of 1954, as amended, now prohibits the transfer of atomic weapons in foreign commerce. Just such a prohibition on transfer is the heart of the draft Nonproliferation Treaty. It might be noted, by the way, that the agreement on a treaty draft with the Soviet Union reflected, therefore, Soviet adoption of our attitudes—not our adoption of theirs.

The reasons behind the policy against transfer in our domestic legislation have been well stated by Secretaries of State in Republican administrations as well as by those in Democratic. As Secretary of State Herter said:

The more nations that have the power to trigger off a nuclear war, the greater the chance that some nation might use this power in haste or blind folly.

And Secretary Dulles said:

Your government believes that this situation can be and should be remedied.

The Treaty on the Nonproliferation of Nuclear Weapons goes a long way toward remedying that situation.

Mr. President, I have dwelled on this question of defensive proliferation because of the various criticisms directed at the treaty which have said that it closes this important option. The truth is that as regards the United States, it does not close that option at all. It already is closed by our own domestic legislation, which has been on the books since 1946. So it is not the treaty that forecloses for the United States the option of "defensive" proliferation or of "selective" proliferation or of "regional" proliferation.

Now, of course, Congress might decide to amend the Atomic Energy Act but as Secretary Rusk said during the

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hearings on nonproliferation in 1966 in regards to U.S. domestic legislation outlawing proliferation, "we are not proposing it, and I would predict that you would not amend it," to which the Chairman of the Joint Committee on Atomic Energy replied, "you were never more right in a prediction."

Mr. President, one most important factor in any discussion of the NPT is to note what the treaty prohibits and what it does not. Although defensive proliferation, in the sense of transferring custody and control over defensive nuclear weapons, is forbidden, it is important to note what options the treaty preserves. The treaty does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads. It does not deal with allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results.

And, for our purposes, it is especially relevant to note that the treaty does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling. In other words, where appropriate, ABM defenses could be provided other nations as long as we maintained custody and control over them.

Mr. President, we reach the conclusion that this non-proliferation treaty is not foreclosing any proliferation options for the United States. But it will foreclose for other nations an option which we have already discarded in domestic legislation, and which other nations have not.

Raising the risk of nuclear war by increasing the number of players in a game which might become nuclear roulette is certainly not in our interest or in the interest of the rest of the world. It is that risk which this treaty, endorsed by both Democratic and Republican administrations is designed to reduce. I agree that it is in our national interest and that of all mankind. As such, I believe it should have the unanimous support of the U.S. Senate without the attachment of reservations or understandings.

Mr. BAYH. Mr. President, it is my intention to support and to vote for the Treaty on the Nonproliferation of Nuclear Weapons, despite the fact that in my opinion it would have been a more effective instrument if certain provisions could have been strengthened and if additional safeguards could have been added. After careful consideration of all factors, however, I concur in the view of the committee that the treaty represents the "best that can be negotiated at this time." It would be tragic, I believe, if the treaty should be long delayed or possibly even abandoned by insistence now on reservations or modifications requiring further negotiations with an approval by signatory nations:

Certainly few if any will question the basic goal of this treaty. There is no need to dramatize or moralize on the terrible, almost inconceivable destruction and horror which could result from a nuclear conflict. If mankind is to survive, if civilization as we know it is to continue, these weapons must be subjected to adequate, effective, and worldwide controls. The prevention of easy accessibility by all nations, large or small, rich or poor, to nuclear explosive devices must be an essential element in any satisfactory system of controls. It is a truism that, as additional nations acquire nuclear weapons, the danger of a nuclear confrontation becomes that much greater. The possibilities of an accidental "triggering" or of an irrational, irresponsible action by some dictator or leader gone mad, inevitably multiply as the number of nuclear powers grow.

Experts tell us that the knowledge and skills required to develop and construct atomic, or hydrogen weapons are no longer secret, and that many nations before long will have the technological capacity and the materials necessary to build explosive nuclear instruments. Nuclear reactors which, as a by-product, produce plutonium, a major component of atomic bombs, are now operative in more than 40 countries. It appears that even comparatively underdeveloped nations might in the future master the techniques and possess the resources which would enable them to produce nuclear weapons. In my opinion to allow such a risk to go unchecked would be folly indeed.

The Nonproliferation Treaty would ban all signatory states from transferring nuclear explosive devices to other countries or from helping them to manufacture such weapons on their own. It would at the same time stipulate that any non-nuclear nation agreeing to the treaty could not receive nuclear weapons from other countries and could not attempt to produce them on their soil. If the nations of the world all subscribe to this pact, and if the treaty is properly and effectively enforced, these two provisions in combination would stop the spread of nuclear weapons to the "have-not" nations. At present only five countries are known to have developed and tested explosive nuclear devices: the United States, the Union of Soviet Socialist Republics, the United Kingdom, France, and mainland China. Granting that the treaty would not in any way inhibit the production and use of nuclear weapons by these five nations, at least it would have the potential virtue of preventing other nations from following down the same pathway.

Unless positive, meaningful steps to the contrary are taken soon, other nations are likely to believe that their own future interests will require them to embark on a nuclear weapons program. Once the possession of these destructive devices are in the hands of a few more countries, their neighbors and rivals will be confronted by heavy internal and external pressures to become active participants in the nuclear race. History surely proves

that once this international game of "keeping up with their neighbors" philosophy starts its course, status, prestige and a sense of self-preservation would force all but the most resolute to succumb. One by one nations which can ill-afford the enormous required expenditures of time and resources would believe it necessary to acquire or manufacture, as well as to stockpile, nuclear arms. Prospects for world peace would suffer a severe blow if such a frightening development should ever come to pass; the present nuclear "standoff" between major powers would no longer be of great significance as a deterrent if nuclear explosive devices come into the possession of 15, 20, 25 or more countries.

Some criticism has been directed at the inspection and enforcement provisions of the treaty. Under article III, the International Atomic Energy Agency would be allocated the task of determining whether nonnuclear weapon countries have used nuclear facilities or materials for other than peaceful purposes. This would be accomplished through agreements which must be made by IAEA with each country and which would spell out in detail the various safeguards to be observed. The various nuclear weapon states, however, such as the United States and the Soviet Union, would not have their peaceful nuclear activities subjected to international inspection or oversight, unless they volunteered to this inspection, and of course the treaty would in no way affect the future production or use of nuclear weapons by the present "have" nations. Nevertheless, the President of the United States has announced unilaterally that our country would voluntarily accept similar safeguards and inspection on the peaceful uses of nuclear materials and facilities.

There is some fear that IAEA might encounter difficulties in reaching agreements with the various nations for inspection of their nuclear facilities and materials. It has been argued that this might delay the application of satisfactory standards and controls and permit evasion or deceptive practices which could defeat the purposes of the treaty. Question also has been raised about the competence and experience of IAEA in the field of inspection. While these points are well worth noting, they do not seem to me to be unsurmountable. Once the requisite 40 signatory states and the three depository governments have officially deposited their ratifications of the treaty and it has formally gone into effect, attention will be focused on the task of concluding suitable and effective inspection agreements. It must be assumed that nations which are willing to sign the treaty will do so in good faith and will accept reasonable inspection and control measures. Moreover, their governments will be subjected to the force of public opinion, both at home and abroad, directed toward the establishment of meaningful controls over nuclear weapons. Likewise, IAEA already has had considerable experience in the field of nuclear inspection; any shortcomings it might have now could be remedied by

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appropriate increases in manpower, funding and applied research.

There are other significant aspects of the treaty which should not be overlooked. It seems to me that ratification of this instrument would stimulate future negotiations looking toward additional arms control and other international agreements so necessary for the establishment of eventual world peace. Important as limiting the spread of nuclear weapons is to our well-being, it is equally important to begin meaningful discussions on mutual limitation of nuclear delivery systems and conventional weapons of war. Moreover, the peaceful uses of atomic energy and the development of nuclear technology ought to derive concomitant benefits from this pact. Defeat of the Nonproliferation Treaty at this stage might endanger if not defeat any prospects for serious consideration of disarmament measures. If nations can be freed of the inexorable pressure forcing them to expend huge sums for nuclear weapons, they would be able to devote more of their resources to the constructive and invaluable civilian purposes for atomic energy which hold so much future promise of benefits to mankind.

It is well to remember in this connection that the participants to the treaty will bind themselves to the exchange of data, materials and equipment for peaceful uses of nuclear energy. We are still in the infancy of the atomic age. Research and development in future years, if it is to be most beneficial to mankind, should take advantage of the knowledge, skills and abilities of scientists and engineers throughout the world. The treaty should contribute to this desirable goal by making it practicable to disseminate and share with all both present and future discoveries and techniques.

Likewise, the treaty in article V provides assurance to the nonnuclear powers that if they join in this common effort they will be entitled to participate at minimum cost in the use of nuclear explosives for peaceful purposes. This contemplates, in effect, the sale of such devices for useful commercial projects, as canals, harbors, and other large excavation works, but with strict controls over their possession and use exerted by the manufacturing nation. Because the sale price would not include the costs of research and development, I know that some have criticized the economics of this provision. They have expressed fear that it might become a subsidy to private companies, such as mining or oil ventures, which could make use of this service to their advantage. While there may be some truth in this allegation, it seems to me that careful administration can avoid this becoming a troublesome problem. Moreover, guarantee to nonnuclear powers that they would have access on a reasonable basis to nuclear explosive devices for peaceful uses should prove to be a very attractive, if not essential, inducement to obtain their approval of the treaty itself.

One other issue involving approval of the treaty has caused considerable concern, although it is not a part of the treaty itself. The resolution adopted last June 19 by the United Nations Security

Council, to which the United States fully subscribed, in effect was a warning to any nation committing or threatening aggression with nuclear weapons that such actions could be "countered effectively," by measures taken according to the United Nations Charter to suppress that aggression. There are those who believe that ratification of the Nonproliferation Treaty as it now stands would imply that the United States was pledging itself to immediately commit its full strength against any nation which resorted to or threatened to resort to nuclear weapons. To counteract this, Senator Ervin proposed Executive reservation No. 2 as an attachment to the resolution of ratification, asserting that the United States would not obligate itself by the treaty to use armed force to defend a non-nuclear-weapon state which might be attacked or threatened with nuclear aggression.

While I concur with those who contend that the United States should not in advance make such a commitment through this treaty, I am convinced that the Foreign Relations Committee judgment is correct in concluding that the treaty would not have this effect. At no place in the treaty itself is there any such pledge of assistance to another nation. Final approval of the treaty itself would not, in my opinion, mean that the Senate had thereby assented likewise to the full implications of the June 1968 resolution, nor has it waived the requirements of the Constitution with respect to the taking of belligerent action. Despite approval of the treaty, I believe that regular constitutional procedures would have to be fully observed before U.S. Armed Forces or weapons systems could be committed to the defense of any other nation. Whatever the effect of U.S. adherence to the resolution of June 19, 1968 may be under the United Nations Charter, it seems clear that approval by the Senate of the Nonproliferation Treaty would neither fortify nor detract from its authority.

Therefore, I believe that the best interests of the United States and of world peace would be served by the Senate consenting to ratification of the treaty on the Nonproliferation of Nuclear Weapons. We must soon start down the road toward international understanding and trust if we are to avoid the terrible havoc which would result from a war in which nuclear weapons were employed. There is no doubt in my mind that this treaty, while not solving all the problems facing us nor removing completely the dangers of nuclear confrontation, would contribute substantially to reducing world tensions and might lead eventually to even more effective international understanding and agreements. Consequently, I plan to vote for approval of the treaty and hope that it will receive the necessary affirmative support by at least two-thirds of the other Senators.

Mr. MOSS. Mr. President, I have long been on record in support of the Nuclear Nonproliferation Treaty. I announced my support when President Johnson sent it to the Senate as the "most important international agreement since the begin-

ning of the nuclear age" and I agree now with President Nixon that it should be ratified without further delay.

I recognize that the consummation of this treaty will not, in itself, guarantee against the possibility of another nation acquiring nuclear weapons. I recognize also that it is not a perfect instrument. But it is as balanced and safeguarded as it is possible to make it, and the security of the world will be increased proportionately with the ratification and signature of each new nation on it.

The peace of the world will be constantly in danger if we do not take steps to keep nuclear weapons out of the hands of any new belligerent or militaristic regime which may take over any country in any corner of the world. We must be sure that they have at their command only conventional weapons—not weapons which could, at the whim of some unbalanced, power-hungry individual, destroy civilization as we know it.

Opponents of the treaty seem to see in it simply an accommodation to the Soviet Union. Surely, the Soviet Union is just as anxious to protect its people and its cities as we are. They regard this treaty in the same light as the United States does—as a way of protecting their nation from annihilation. We should stop talking of the treaty as an accommodation to the Soviet Union, and to start thinking of it in terms of protecting our own security and, we trust, the peace of the world.

Mr. President, I compliment the members of the Committee on Foreign Relations for bringing the treaty to the floor of the Senate—and with a unanimous vote. It is a long step forward in man's historical drive for arm's control, and I hope the Senate will overwhelmingly advise and consent to its ratification.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may yield to the Senator from Connecticut to call up an understanding or a reservation, with the understanding that I may yield without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE UNDERSTANDING NO. 2

Mr. DODD. Mr. President, I call up my understandings Nos. 2 and 3, which are at the desk, and ask that they be made the pending business when the Senate convenes tomorrow.

The PRESIDING OFFICER. Does the Senator wish to have them considered en bloc, or separately?

Mr. DODD. Separately.

The PRESIDING OFFICER. Which one does the Senator wish to be considered first?

Mr. DODD. No. 2 first.

The PRESIDING OFFICER. Understanding No. 2 will be stated.

The legislative clerk read as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "with the understanding that, after the United States Senate has voted to ratify the treaty, any military attack directed against the independence of another country by a nuclear-weapon State party to the treaty, would be regarded as a violation of the spirit of the treaty and as a threat to

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the security of other signatories justifying their withdrawal under the ninety-day clause; and with the further understanding that, after the treaty has the ratifications necessary to enter into force, any military attack directed against the independence of another country by a nuclear-weapon State party to this treaty, will automatically be regarded as an abrogation of the treaty, rendering the treaty null and void".

The PRESIDING OFFICER. Without objection, understanding No. 2 will become the pending business.

Mr. DODD. Mr. President, I ask the majority leader, Is this the appropriate time to ask for the yeas and nays?

Mr. MANSFIELD. Yes; indeed.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further votes today. Furthermore, it is not anticipated that we will take up the pending understanding until after the Senate convenes, or shortly after 10 a.m., tomorrow.

UNANIMOUS-CONSENT AGREEMENT

At this time, with the concurrence of the distinguished Senator from Connecticut, the distinguished minority leader, the ranking member of the committee, and the chairman of the committee, I ask unanimous consent that the time limitation on the Dodd understandings be reduced from 2 hours to 1 hour each, with the time to be equally divided between the Senator from Connecticut and the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. With the further approval of the Senators previously mentioned, I ask unanimous consent that there be a time limitation of 1 hour on all further understandings and reservations, the time to be equally divided between the chairman of the Committee on Foreign Relations and the sponsor of each understanding or reservation and that there be a 2-hour limitation on the treaty itself.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. MURPHY. Mr. President, reserving the right to object, I should like to have some time on the treaty itself.

Mr. MANSFIELD. Yes; we will get some.

Mr. MURPHY. I have no objection.

Mr. RUSSELL. Mr. President, reserving the right to object, I have no objection to the limitation on reservations and understandings. I do have some reservations as to the proposed limitation on the treaty itself.

Mr. MANSFIELD. Mr. President, I withdraw the latter part of the request, and request only the time limitation of 1 hour on each understanding or reservation, under the terms specified.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That there be a 1-hour limitation of debate on any further reservations or understandings to the pending treaty, with the time to be equally divided and controlled by the Senator from Arkansas (Mr. FULBRIGHT) and the Senator offering the reservation or understanding.

Mr. DODD. Mr. President, I do not know whether it is clear that I intended to call up my second understanding also.

Mr. MANSFIELD. The Senate can only consider one at a time, unless the Senator wanted them considered en bloc, and I understood the Senator to say he wanted No. 2 considered first, and the other one later.

Mr. DODD. That is right.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into legislative session and that there be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of legislative business.

NIXON POSITION ON ENFORCED INTEGRATION

Mr. HOLLAND. Mr. President, for years I have had the conviction that compulsory legislation seeking to force the races toward integration was foolish, and would accomplish no useful purpose. I am glad to see that view supported in today's Washington Evening Star, in a column written by Mr. William F. Buckley, Jr., entitled "A Blunt Word Required on Nixon."

Mr. Buckley takes the position that the new President, President Nixon, has now committed himself to the position of forced integration. Whether that be true or not will remain to be seen. However, there are certain comments in this article which I think are well worthy of inclusion in the CONGRESSIONAL RECORD. I refer, for example, to this part of the column:

The truth is that the overwhelming majority of the white population of America associates with white people, even as the blacks associate with blacks, in their homes, at schools, and, though to a lesser extent, professionally. We can and should deplore the obstinacy of these social conventions.

But to attempt to enact and implement laws that forbid these natural associations—as distinguished from altogether desirable laws which attempt to bring advantages to the disadvantaged—is foolish, and bound to bring about consequences everyone deplores.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire column, entitled "A Blunt Word Required on Nixon," written by William F. Buckley, Jr., and published in the Washington Evening Star for today, March 12, 1969.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

A BLUNT WORD REQUIRED ON NIXON

(By William F. Buckley Jr.)

The American Conservative Union has come out and said bluntly what is on the minds of those Americans who made possi-

ble the election of Richard Nixon. That Nixon's performance, so far, is not altogether reassuring.

There are the complaints which are not altogether fair. It is much too early to know whether Nixon will freeze under the pressure of Communist salients, in Vietnam, at the negotiating table in Paris, in Berlin. Too early to conclude gloomily that Richard Nixon will do nothing to help the community to survive the intimidations of organized labor unions; too early, even, to know whether he will engage the problem of inflation other than rhetorically.

But on one point Nixon appears to have staked out a position, and it is, in the judgment of most of those Americans who reject ideology, the wrong one. It is the position of forced integration.

It does not seem to occur to anyone to remark that the exodus of white middle class families from the cities, the rate of which has trebled in the past three years, is above all things an indication of the lengths to which people intend to go in order to avoid certain conditions.

It is utterly useless to moralize about it: the people who dominate America have written their position on the matter of forcible integration with their feet. The father who is willing to leave the city where he grew up, where he holds down his job, to endure the expenses of moving, of reacclimation, of buying or renting a new home, is expressing himself about as directly as anyone can.

To criticize him for being uncharitable, let alone to attempt to devise laws that would rob him of the economic freedom to make his decision, is as useless as to criticize politicians for seeking to please their constituents; or to attempt to devise laws which would force politicians to speak the truth.

The truth is that the overwhelming majority of the white population of America associates with white people, even as the blacks associate with blacks, in their homes, at schools, and, though to a lesser extent, professionally. We can and should deplore the obstinacy of these social conventions.

But to attempt to enact and implement laws that forbid these natural associations—as distinguished from altogether desirable laws which attempt to bring advantages to the disadvantaged—is foolish, and bound to bring about consequences everyone deplores. For instance the migration of whites from the cities the widespread rejection of the law, as for instance by the Southern schools; the crystallization of hypocrisy, as for instance by the white population of Washington, D.C. which by day writes laws forbidding segregation and by night returns to its segregated quarters; the rise of resentful black extremism.

Robert Finch is, from all appearances, a child of the old liberalism, which reasoned ("rationalism," Professor Oakeshott observes, "is making politics like the crow flies") that because separation of the races was morally wrong, therefore it should be forbidden by law. One would think that the 15 years that have passed since Brown vs. Board of Education would have convinced us that although it is no less wrong, any government that seeks to end it by force majeure is going to a) make matters worse, and b) impale itself on its abstractions.

We cannot, once again, know for sure whether Finch is going to return us to the bayonet-point integrationism of the post-Warren era. But he and Nixon appear to be quite blunt on the matter of applying Title VI of the Civil Rights Act, which would deny federal funds to school districts which fail to integrate at the speed required by the relevant court.

Now pledged to law and order, the Nixon administration could hardly ignore a national statute. But if the strategy was to enforce the law so as to reveal the law's shortcomings, then Finch would hardly have brought to his side as Commissioner of Education Dr.

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EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate return to executive session.

The motion was agreed to, and the Senate resumed the consideration of executive business.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H., 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

Mr. BYRD of West Virginia. Mr. President, I voted against the Nuclear Test Ban Treaty in 1963, and I voted against

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the Consular Convention between the United States and the Soviet Union in 1967. However, I intend to vote for the Treaty on the Nonproliferation of Nuclear Weapons, which is now under consideration by the Senate.

I am no longer a member of the Senate Committee on Armed Services, but I have read the hearings conducted by that committee on the treaty. Based on the testimony given before that committee, I have reached my decision.

All witnesses who appeared before the committee were unanimous in their support of the treaty. Among these witnesses were Gen. Earle G. Wheeler, U.S. Army, Chairman of the Joint Chiefs of Staff, and Dr. John S. Foster, Jr., Director of Defense Research and Engineering, Department of Defense. I am personally acquainted with both men, and I have confidence in their knowledge, ability, and judgment.

The central purpose of the treaty before the Senate is to prevent the spread of nuclear weapons. It was patterned after the Atomic Energy Act of 1954, which forbids transfer of U.S. nuclear weapons to other countries. The treaty before us makes such a prohibition binding on all other signatory nuclear weapons countries, and it bars nonnuclear weapons countries from receiving nuclear weapons and from manufacturing or receiving any assistance in the manufacture of nuclear weapons. The treaty, at the same time promotes the development of nuclear energy for peaceful purposes under safeguards.

The danger of a general proliferation of nuclear weapons constitutes a problem of pressing concern. Such proliferation would be attended by consequences of accident or a miscalculation by an aggressor nation, which could lead to an all-out nuclear holocaust. I believe that it is not only in the good interests of our own national security but that it is also in the interests of mankind everywhere that we try to take whatever steps are possible to prevent such a tragic occurrence.

I have never trusted the Soviet Union. I believe that the leaders in the Soviet Union can only be depended upon to keep an agreement so long as to do so is in their own best interests. In the case of the treaty before us, I believe that it is in the best interests of the Soviet Union to ratify and obey the provisions of this treaty. It is generally felt that the Soviets are as fearful of proliferation as we are, and that they consider it to be as dangerous to their own security as we think it is dangerous to ours. In reality, the thrust of the treaty is not primarily to restrain the Soviet Union or the United States from developing and deploying nuclear weapons, but it is rather intended to stop non-nuclear-weapons countries from acquiring or manufacturing nuclear weapons.

Some concern has been expressed to the effect that the treaty would inhibit a continuation of vigorous research and development activities by the United States on nuclear weapons as required for our own national security, but Dr. Foster testified that "there are no provisions of the nonproliferation treaty

which will in any manner restrict these activities."

Some people have said that the treaty would foreclose the option to defend our allies. The treaty does prohibit the transfer of nuclear weapons or their control to any other nation, but such transfer of weapons and/or their control is already prohibited by Federal statute, and, accordingly, the treaty would not change the present arrangements which we have today with our allies for maintaining custodial control of our nuclear systems.

As I have already indicated, the treaty contains provisions for the development of safeguards which are designed to insure that nuclear energy is not diverted from peaceful uses to nuclear weapons or other nuclear explosive devices. The non-nuclear weapons signatories to the treaty must undertake to accept such safeguards. The safeguards are to be set forth in agreements to be negotiated and concluded with IAEA, the International Atomic Energy Agency. The negotiation of such safeguards shall commence within 180 days from the original entry into force of the treaty, which shall occur upon the deposit of instruments of ratification by 40 signatory states in addition to the United States, the United Kingdom, and the Soviet Union. The inspection procedures provided by such safeguards will insure that there is no diversion of nuclear materials into a nuclear weapons program within any non-nuclear-weapons signatory state. As Dr. Foster stated in his testimony before the Armed Services Committee:

A safeguard system should have access to those facilities associated with nuclear activities, be able to observe their operation and be able to make an inventory of materials going into the operation and coming from the operation so that it is possible to tag the nuclear atoms and the source material for the operation.

It has been thought by some persons that the United States would be at a disadvantage, under the treaty, in that inspections would be permitted with respect to some of our facilities while, at the same time, the Soviet Union would refuse to allow such inspections. The fact is, however, that the treaty safeguards clause does not apply to any nuclear power, for example, the United States, the United Kingdom or the Soviet Union. These nations already possess nuclear weapons and the facilities and know-how for the manufacture of additional nuclear weapons. The object of the treaty is to prevent the spread of such knowledge and manufacture to nations which presently do not possess nuclear weapons. Consequently, the inspections need only be made in the signatory countries which are not already nuclear powers. It is true that President Johnson offered, and President Nixon has likewise offered, to let inspectors go through our nuclear facilities for peaceful purposes. However, the gratuitous offer made by Mr. Johnson and Mr. Nixon deals only with the examination of commercial nuclear activities. The offer does not deal with the inspection of our military activities or any of our facilities which pertain to nuclear weapons. According to General Wheeler:

The President very carefully excluded our military nuclear facilities from any inspection.

Dr. Glenn T. Seaborg, Chairman of the U.S. Atomic Energy Commission, said, during the course of his supporting statement on the treaty, that the reason for the offer by Mr. Johnson and Mr. Nixon to place our peaceful nuclear activities under IAEA safeguards, excluding all of those that have a national security significance, "is that there was concern by some of our own friends, Western allies, that if their peaceful nuclear activities were subjected to these inspection procedures they might be at a disadvantage with respect to us if our's were not inspected, because of the possible leak of trade secrets and things of that sort." So, the offer was made in order to further encourage non-nuclear-weapons countries to become signatories of the treaty, while, at the same time, protesting them commercially.

It is interesting to note that, according to Dr. Seaborg, at least seven nations, which do not now possess nuclear weapons, have the capability of producing them within a spread of 5 to 10 years. He named 16 additional nations as being capable of producing cruder nuclear weapons with less delivery capability "and possibly over a longer period of time." So, I think it is quite evident that the danger of proliferation of nuclear weapons grows with each passing year.

It is said that this treaty is a step along the road toward additional agreements between the United States and the Soviet Union leading to disarmament. As a matter of fact, the treaty expresses the determination of the parties that the treaty should lead to further progress toward arms control and disarmament. To be specific, I shall quote article VI of the treaty, which is as follows:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict effective international control.

As I have already stated, I do not trust the Soviet Union to keep any agreement which is not in its own best interests. The Soviets are notorious for having broken scores of agreements. Although I want us to pursue every path which can reasonably lead to a deescalation of the arms race, I think we must continue to keep our eyes open and our guard up. I am not one who believes that we have made progress simply because we have reached an agreement with the leaders of Communist countries. I am opposed to anything which, in essence, amounts to unilateral disarmament on our part, but I am in favor of doing everything we can to slow down the proliferation of nuclear weapons, because every additional nation that acquires nuclear weapons is just one more finger on the trigger of nuclear war.

I do hope that this treaty would operate to discourage such proliferation.

General Wheeler stated that he saw "no military disadvantages to the treaty insofar as our country is concerned." He

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went on to say that he believed that "if, indeed, the treaty operates to preclude the proliferation of nuclear weapons in other areas of the world, then in a general sense, a broad sense, it is helpful to our national security."

General Wheeler stated that the treaty would not impose any obligations on us to unilaterally withhold deployment of an ABM defense system or of any offensive strategic system, and that it would not impose any limitation or restriction upon our own country's research and development in connection with nuclear defensive or offensive systems. The same can, of course, be said with respect to the Soviet Union, but as I have indicated above, the treaty is not calculated to inhibit development and deployment of nuclear weapons systems in current nuclear countries. Its purpose is to prevent the proliferation of nuclear weapons.

Some people have expressed the fear that the Soviet Union would not allow access to Warsaw Pact countries for the purpose of implementing the inspection safeguards, but Dr. Seaborg stated that there was no indication that the Soviets would want to deny access of safeguards inspectors to Warsaw Pact countries. However, the Soviets would be in violation of the treaty if they exported fissionable material to satellite countries without the accompanying required international atomic energy safeguards. The Soviets had their fingers burned when they helped Red China to get started with nuclear activities leading to the development of nuclear weapons and, according to those individuals who have testified in support of this treaty, the Soviets are very interested in making sure that there is no diversion from peaceful facilities in their satellites. They do not want their satellites to get nuclear weapons. In any event, there is no limitation at the present time on the Soviet Union's supplying nuclear materials or nuclear facilities to any of its satellite countries, because no treaty exists and no safeguards exist. In other words, if the Soviet Union wishes to supply nuclear weapons to Warsaw Pact countries now, it can do so. There are no restrictions or inhibitions against it. So, we would be no worse off under the treaty, in this regard, than we are now without it. There is no limitation at the present time on the transfer of nuclear weapons by the Soviet Union to any other country. There is no treaty or agreement, but there is self-interest, and the treaty would further that self-interest on the part of the Soviets.

Article X of the treaty provides a right of withdrawal upon 3 months notice if a party finds that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests. Therefore, our country will have the option of withdrawing from the treaty if the circumstances should dictate our doing so at some future date.

The treaty also provides for a conference, 5 years after the treaty enters into

force, to review the operation of the treaty, and for further review conferences, at 5-year intervals, to be held if requested by a majority of the parties. The treaty provides, moreover, for a conference to be held 25 years after the treaty enters into force, at which a majority of the parties will decide whether the treaty shall continue in force.

Parties to the treaty who renounce the acquisition of their own nuclear explosive devices will be able to obtain benefits from the peaceful applications of nuclear explosions through the provision by nuclear states of what would be, in effect, a peaceful nuclear explosion service. The nuclear explosive devices would remain at all times under the custody and control of the nuclear weapons state. The recipient nations would pay for the cost of the nuclear explosive devices, such cost to exclude any charges for research and development of the devices. According to Dr. Seaborg:

Such services will be performed on the basis of full cost recovery . . . including, among other things, the full cost of all materials, the fabrication of the explosive device, and the firing of them. Appropriate overhead costs would also be included.

A total of 87 nations have signed the treaty, although only nine nations have deposited their statements of ratification. France has indicated that it will not sign the treaty, but it has indicated its intention, nevertheless, to live up to the provisions of the treaty. Red China, another nuclear state, will not sign the treaty nor will it abide by the provisions thereof, but there is nothing to prevent that country even at the present time from contributing to the spread of nuclear weapons, so we will be no worse off under the treaty than we are at the present time insofar as Red China is concerned.

In closing, Mr. President, I wish to state my belief that, on balance, the treaty will be in the interest of our own national security. When one looks back to the beginning of World War II and considers the fact that, just 30 years ago, the nuclear fission reaction had not yet been discovered—the reaction that makes possible nuclear weapons—one shudders to think what the next 30 years will bring if the proliferation of nuclear weapons grows apace. We owe it to ourselves and to our posterity to do everything we can to get other nations committed as early as possible to satisfactory inspections and safeguards against proliferation. By so doing, we prevent, to some considerable degree at least, the possibility of a nuclear exchange too horrible to contemplate. It is not a matter of trusting the Russians, in this instance; it is a matter of believing that they are as interested in self-preservation as we are; and it is also a matter of recognizing that a handful of fingers on the nuclear trigger is far better than a half hundred or more of such fingers. I am not nearly so afraid that the Soviets, the British, the French, or the Americans will pull that trigger, realizing that to do

so would invite sudden, full, and unacceptable retaliation, as I am afraid that some small country, in an effort to commit aggression against a small neighbor, might resort to nuclear weapons and, in so doing, create a chain reaction among other nations which would result in the catapulting of the superpowers into a mutually destructive effort.

I believe that the treaty provides a hope against the proliferation of nuclear weapons, and, therefore, I shall vote for the resolution of ratification.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, the Senate stand in recess, in executive session, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 21 minutes p.m.) the Senate took a recess, in executive session, until tomorrow, Thursday, March 13, 1969, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11 (legislative day of March 7), 1969, under authority of the order of the Senate of March 11, 1969:

HOME LOAN BANK BOARD

Preston Martin, of California, to be a member of the Federal Home Loan Bank Board, for the remainder of the term expiring June 30, 1970, vice Robert L. Rand, resigned.

FOREIGN SERVICE

William B. Buffum, of New York, a Foreign Service officer of class 1, to be the Deputy Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary.

UNITED NATIONS

Christopher H. Phillips, of New York, to be Deputy Representative of the United States of America in the Security Council of the United Nations.

Glenn A. Olds, of New York, to be the representative of the United States of America on the Economic and Social Council of the United Nations.

Executive nominations received by the Senate March 12 (legislative day of March 7), 1969:

U.S. COAST GUARD

The following licensed officers of the U.S. Merchant Marine to be permanent commis-

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stioned officers in the Regular Coast Guard in the grades indicated:

To be Lieutenant

Leo G. Vaske.

To be Lieutenant (junior grade)

James L. Hassall.

CONFIRMATIONS

Executive nominations confirmed by the Senate, March 12 (legislative day of March 7), 1969:

GENERAL SERVICES ADMINISTRATION

Robert L. Kunzig, of Pennsylvania, to be Administrator of General Services.

COMMODITY CREDIT CORPORATION

Richard E. Lyng, of California, to be a member of the Board of Directors of the Commodity Credit Corporation.

FEDERAL HIGHWAY ADMINISTRATION

Francis C. Turner, of Virginia, to be Administrator of the Federal Highway Administration.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 12 (legislative day of March 7), 1969:

FOREIGN SERVICE

William R. Tyler, of the District of Columbia, for promotion from a Foreign Service officer of the class of career minister to the class of Career Ambassador, which was sent to the Senate January 16, 1969.

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It is my hope, although I have nothing more than a hope on which I can base it, that there will be a turning of the tide. Indeed, there may already have been a turning of the tide on this issue. We made a great mistake in starting this deployment. It has now been demonstrated to have been a fallacious decision. There is no need to persist in a mistake merely because a mistake has been made.

I thank the Senator from Arkansas.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized. Mr. KENNEDY. Mr. President, I ask unanimous consent that I be permitted to continue for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the overriding importance of the Nuclear Nonproliferation Treaty lies in its affinity with one of our principle national policy goals—avoiding nuclear war. This has been the stated goal of every American President, in his conduct of foreign policy, since 1945. And it must continue to be a guiding precept of our policies.

Since the advent of nuclear weapons technology changed the course of the world 24 years ago, those nations possessing nuclear weapons have been assiduous to prevent their use. They have done so primarily by relying upon the deterring effect of a powerful offensive nuclear force, a force capable of responding with a devastating attack even after absorbing a surprise first strike.

But there is another path to preventing nuclear war, a path more difficult to follow. This is the path toward a comprehensive and effective nuclear disarmament treaty, as a condition precedent to a general disarmament treaty.

The first step in this direction was the plan Bernard Baruch developed in 1946 and which the United States presented to the United Nations in the same year. Under this plan, an International Atomic Development Authority would have been created as the entity to hold and develop all nuclear weapons and nuclear activities. The United States would have agreed to stop the manufacture of atomic bombs and to dispose of its existing stockpile. The Soviet Union did not accept this plan; as a result, the first step along this path faltered in disagreement.

The second step took place in 1956, when on U.S. initiative the United Nations created the International Atomic Energy Agency. This Agency has as its purpose the promotion of peaceful use of the atom, and the development of a system of international inspection and safeguards.

But it was the third step toward nuclear disarmament which signaled a major advance. This was the Nuclear Test-Ban Treaty of 1963, which President Kennedy called "a shaft of light cut

into the darkness" of the ever-expanding arms race. While this treaty was not effective to stop all nuclear test explosions, primarily because France and China refused to sign the treaty, it virtually eliminated the growing amount of nuclear fallout so perilous to world health.

The Senate is now debating ratification of a fourth step—the Nuclear Nonproliferation Treaty. We must view this treaty in the context of the previous steps, and in the hope of even more steps. The Nonproliferation Treaty is a way station on the path toward eventual consummation of a nuclear disarmament treaty, and in this is the treaty's overriding importance.

In concept, the Nonproliferation Treaty is strikingly simple: by limiting the number of nations which possess nuclear weapons, we can both shorten the path toward eventual agreement upon nuclear disarmament and greatly reduce the likelihood of the holocaust of world nuclear war.

But in execution, the Nonproliferation Treaty has proved much more complex. Part of the complexity, ironically, rises out of the fact that we have not previously been able to limit the proliferation of nuclear weapons. Two existing nuclear states—France and China—have indicated that they will not sign the Nonproliferation Treaty, just as they did not sign the Test Ban Treaty. This does not argue against U.S. ratification of the treaty; in fact, it is evidence that we must move quickly to ratify it, and to urge the present nonnuclear states to do likewise. For if we do not ratify it, and if we do not press unrelentingly for other nations to do the same, then there may well be an increasing number of nations which, as they gain nuclear capabilities, refuse to ratify it. This would serve only to raise the instability of the shifting balances of terror which so far have militated against nuclear war.

About the concept of the treaty—there can be little serious argument, I should think, that its purpose is our Nation's purpose. But about the translation of this concept into the words and phrases of a treaty and of its rights and obligations—there have been serious arguments, and there remain some few uncertainties.

The Committee on Foreign Relations has, I think, given the Senate wise guidance on the troublesome questions of interpretation, just as our negotiators and those from the other nations made wise choices from among the various alternatives open to them. Senator Robert F. Kennedy made his maiden speech to the Senate in 1965 on the need for a treaty to limit the proliferation of nuclear weapons. In that speech, he outlined the difficult areas which had to be resolved before any treaty could be written. These areas were almost precisely the ones which gave our negotiators the most difficulty, and are the ones about which the Committee on Foreign Relations expressed the most concern.

One of these areas involves our obligations to our allies. The committee has determined that the Nonproliferation Treaty in no way limits the right of the United States to enter agreements to station nuclear weapons, owned and con-

trolled by the United States, on the soil of an ally. This is an important point, going as it does straight to the heart of both our own deterrent capabilities and the credibility of many of our treaty commitments. It should be clearly understood, I think, that as the Senate gives its advice and consent on the Nonproliferation Treaty it does so on this reading of the treaty.

Related to this issue of the right to station U.S.-owned and controlled nuclear weapons on an ally's soil, is the construction given the security guarantee resolution adopted by the United Nations Security Council on June 19, 1968. In that resolution, the nuclear signatories of the Nonproliferation Treaty—the United States, the Soviet Union, and Great Britain—gave a security guarantee to the non-nuclear signatories who faced either actual nuclear aggression or the threat of nuclear aggression.

In an identical declaration made by the United States, Great Britain, and the Soviet Union in explaining their votes in favor of the resolution, the three nations stated that an aggressive nation "must be aware that its actions are to be countered effectively by measures taken in accordance with the United Nations Charter." There is the distinct implication in this language that the United States has made a blanket pledge of assistance, and it is consequently important that the administration has disclaimed any intention of doing so. Similarly, the committee has stated in the plainest language that this security resolution and declaration must not be considered any ratification of previous commitments or creation of new ones.

There is, however, a clear and direct connection between the security resolution and the Nonproliferation Treaty, even though the resolution is technically outside the ambit of the treaty. Consequently, while the administration and the committee have made their disclaimers, I believe the Senate has a continuing obligation to oversee whether this resolution in fact brings the United States and the Soviet Union into closer cooperation within the United Nations framework, and also to monitor this resolution's impact on our existing treaty commitments.

Article VI of the treaty states the obligation of each of the parties to the treaty to pursue good faith negotiations toward "general and complete disarmament under strict and effective international control." Since this is a long-range goal of the United States, as well as of the other signatories, this article is undeniably a key component of the treaty. Further, it accurately describes the overall context in which the importance of the Nonproliferation Treaty should be gaged: As a way station on the path to a disarmament agreement.

The general consensus is that the two great nuclear powers—we and the Soviets—have an unparalleled opportunity to begin preliminary discussions on agreements to limit the arms race, and to move toward disarmament. We must not let this opportunity pass us by. We are at the brink of a new lap in the arms race—and if we begin that lap, then

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meaningful talks will be virtually impossible.

Consequently, it is my own belief that we must not make any decisions, take any actions, or suggest any steps which would prejudice the immediate beginnings of talks on arms limitations. This is one reason I believe it unwise to deploy the Sentinel ABM system: it signals to the Soviets that we are less interested in beginning talks than we are in deploying new weapons systems.

Many individuals have suggested, as one way of justifying a decision to deploy the Sentinel ABM system, that it would actually bring the Soviets to arms limitations discussions more effectively than if we did not deploy Sentinel. But surely this is Alice-in-Wonderland logic. For it is implicit in this argument that we believe we could force the Soviets to bargain with us because deploying Sentinel would markedly degrade the effectiveness of the Soviet deterrent. This flies directly in the face of the experience of the last 20 years, as well as of common sense. If the Soviets believed that our Sentinel system was an effective ABM system—and there are very serious questions as to its effectiveness—their response would almost certainly be to deploy their own ABM system, or to increase significantly their offensive capability.

This is why I would go further than the Committee on Foreign Relations did in its report. On page 18 of that report, the committee said:

The Administration should consider deferring the deployment of these (new offensive and defensive) weapons until it has had time to make an earnest effort to pursue meaningful discussions with the Soviet Union.

I would hope that the administration would do more than consider deferring deployment. I hope—and urge—that deployment is actually deferred. We do stand at yet another crossroads in the nuclear arms race, and cannot let the opportunity to pursue the path of peace pass us by.

Should we continue our deployment of the Sentinel ABM system, we would force the Soviets to deploy one of their own, and to develop even more sophisticated offensive capabilities. This would in turn force us to respond in turn. Each increase in arms generates an increase in tension; and each increase in tension leads us closer to hostilities. As a result, I think we should definitely defer deployment of the Sentinel ABM system.

Articles IV and V of the treaty are designed to compensate the nonnuclear signatories for pledging not to acquire nuclear explosive devices, even for peaceful purposes. Under these two articles, the nuclear states undertake to facilitate exchanges of information, materials, and equipment for the peaceful uses of nuclear power, and to provide assurances to the nonnuclear states that will share in the benefits of peaceful application of nuclear-explosive devices.

This aspect of the treaty is vital to its acceptance by the non-nuclear states, and for that reason must be a part of the treaty. But it does raise a serious question related to the general and widespread

availability of nuclear materials. There are, today, some 300 small research nuclear reactors located throughout the world. Based on this figure, and based on estimates of the growth in number of reactors, there will be about 18,000 pounds of plutonium produced annually by 1970, and about 132,000 pounds by 1980. The corresponding amounts of plutonium accumulated in the world as a result of past production will reach about 62,000 pounds by 1970, and about 825,000 pounds by 1980. Yet less than 22 pounds of plutonium are needed to build a bomb capable of destroying a medium-sized city.

The latent threat to world security inherent in the civil nuclear power programs, demonstrated by these figures, is already clear. And it will grow to ever larger dimensions in the years just ahead, as the stockpiles of plutonium for civil nuclear programs in many different nations dwarf the stockpiles of fissionable material in the nuclear weapons of the nuclear weapons states. I do not mean to indicate that the Nonproliferation Treaty will exacerbate this latent threat; rather, it gives us a focus for its consideration. I think we should increase our discussions and awareness of this problem; facing it today will save us headaches tomorrow.

Let me say a final word about the treaty. The Chairman of the Joint Chiefs of Staff, General Wheeler, indicated that the Chiefs were unanimous in their support of it. This should lay to rest any fears that the treaty in any way imperils our national security.

When President Kennedy urged the Senate to ratify the Nuclear Test-Ban Treaty, on July 26, 1963, he said:

For the first time in many years, the path of peace may be open. No one can be certain what the future will bring. No one can say whether the time has come for an easing of the struggle. But history and our own conscience will judge us harsher if we do not now make every effort to test our hopes by action, and this is the place to begin. According to the ancient Chinese proverb, "A journey of a thousand miles must begin with a single step."

My fellow Americans, let us take that first step. Let us, if we can, step back from the shadows of war and seek out the way of peace. And if that journey is a thousand miles, or even more, let history record that we, in this land, at this time, took the first step.

We did take that first concrete step, and after the Senate ratified the Test Ban Treaty, President Kennedy signed it on October 7, 1963. We have the opportunity, in the Nonproliferation Treaty, to take another major and concrete step along the path to nuclear disarmament. We should do no less, for the fate of mankind hangs on the intensity of our efforts to eliminate the threat of nuclear weapons in the world.

Albert Einstein once said:

The unleashed power of the atom has changed everything save our modes of thinking, and thus we drift to unparalleled catastrophe.

We must not drift. Rather, we must recognize an opportunity and steer resolutely toward it. We have a rare opportunity, now, to advance the cause of world peace by ratifying this treaty. I believe we must.

Mr. COOPER. Mr. President, will the Senator from Arkansas yield to me for 2 minutes so that I may make a statement?

Mr. FULBRIGHT. I yield.

Mr. COOPER. Mr. President, I wish to address myself to the reservation proposed by the distinguished Senator from North Carolina (Mr. ERVIN).

An examination of the statement made by former Ambassador Goldberg in the United Nations and in the Security Council will show that it simply pledged the United States to proceed according to the charter. The charter and rules of the Council, of course, provide that when a subject is brought before the Security Council, it can be taken up or it can be refused to be taken up by the Security Council. If inscribed on its agenda by the Council, the United States could make a judgment, as any other member of the Security Council could, whether aggression or the threat of aggression had occurred. Of course, if there had been a nuclear attack it would be manifest.

It should be said in all candor, that the United States has pledged itself, which it is not now required to do, to lay a matter of aggression or its threat before the Security Council; but after that, all rights of the United States would continue as at present.

For myself, I would say that it was perhaps unfortunate that the Government of the United States directed former Ambassador Goldberg to make the declaration, for it gives the impression that more is required of the United States. But it is not in the treaty, and it is not an executive agreement. It is a statement on behalf of the United States which should bear weight, but the controlling language is that our action would be "in accordance with the charter."

I would suggest that if we vote for the reservation, it could be argued that it expressed the intent of the Senate that the declaration admittedly made outside the treaty does bear great weight and would have to be considered a part of the treaty. It would give to the declaration a position against the intent of the Senate and against the intent of the Senator from North Carolina.

It would be very unfortunate for the Senate to vote for the reservation proposed by the Senator from North Carolina.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remaining time be equally divided between the Senator from North Carolina (Mr. ERVIN) and the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. Mr. President, I had agreed to yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator from Arkansas for yielding. I shall not take more than 2 minutes. I shall speak only to the question which has arisen, which is that if this reservation is voted it might require a renegotiation.

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tiation of the treaty. It is not, perhaps, directed toward a provision of the treaty or is not incorporated in a provision of the treaty. The mere fact that this matter is raised would not allow us to do anything else before renegotiation. In other words, if it becomes a question of fact and law, as the Senator from Arkansas said in debate yesterday, whether this really represents a matter of substance or not, then every one of the powers signing it has the right to decide whether it is a matter of substance, and that in itself is a matter of renegotiation.

The Senator from North Carolina could submit his proposal later, and we could argue the substance if he submits it as an expression of intent; but in this form it must require a renegotiation of the treaty, and that, I think, would be practically killing it for all realistic purposes. I hope the Senate will reject the proposal.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Mr. President, if the proposal were changed to an understanding, would any renegotiation be required?

Mr. FULBRIGHT. I would not accept it in the form of an understanding. Technically, these distinctions may be made among ourselves but 87 other countries have signed the treaty, and with many of them there is no distinction between a reservation and an understanding.

Statements were made in the report of the committee dealing with this subject. We have an extensive legislative history. All of this serves that purpose. If it were an understanding it would have no more meaning, and it would be no more clear than the statement made on the floor of the Senate, and it would raise doubts in the minds of other Members.

I do not wish to be arbitrary. This proposed understanding was not submitted to the committee. We had heard rumors about possible reservations but the Committee on Foreign Relations was never officially informed.

As so often happens, if we bring such an understanding to the floor without prior consideration, the implications of such understandings or reservations may go far beyond the immediate question. As I said yesterday, our NATO partners may believe, if they read the reservation now before the Senate, that the reservation or understanding could possibly imply that the U.S. Senate is saying that under no circumstances will it come to the aid of anyone. That is about what it says.

Mr. MILLER. Then the position of the Senator from Arkansas is that the resolution would require renegotiation, and that an understanding would not; but that he would think the understanding would not be necessary or desirable because the legislative history set forth in the committee report, and in his comments, fully covers the problem; is that not correct?

Mr. FULBRIGHT. That is correct.

Mr. MILLER. I thank the Senator.

Mr. ERVIN. Mr. President, some seven or eight countries have ratified the treaty thus far. It would be far better

to settle it by adoption of this reservation at this moment and let it be renegotiated if necessary so that we make it clear we are not pledging the lives of all our boys in America to go to war if, for example, Israel dropped a bomb on Egypt and we would have to fight on behalf of Egypt, or if Russia dropped a bomb on China and we would have to go to the aid of China.

Certainly, it would be well to renegotiate that point.

I warn the Senate that if we vote against this reservation, every nation on earth can say that the Senate of the United States was confronted by the question whether the treaty did pledge the United States to go to war in the event of a nuclear attack or the threat of a nuclear attack on another nation, and when the Senate had a choice to say that the treaty did not mean that, it refused to say so, leaving the implication that it obligated us to go to the aid of any non-nuclear nation or any member of the United Nations confronted with a nuclear attack. We should be on the safe side and make that plain, which has been confused by all the gobbledegook which went on in our executive branch, and in the United Nations Security Council.

Mr. GORE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Tennessee.

The VICE PRESIDENT. The Senator from Tennessee is recognized for 1 minute.

Mr. GORE. Mr. President, the Senate is confronted, not with a treaty containing provisions such as those described by the distinguished senior Senator from North Carolina, but with a treaty which contains no reference to the use of the Armed Forces of the United States, with a treaty which the present Secretary of State testifies incurs no new obligation on the part of the United States with respect to the use of its Armed Forces, with a treaty which the previous Secretary of State has stated contains no such obligation, with a treaty which the Committee on Foreign Relations in its report and the chairman of the Committee on Foreign Relations in his speech presented to the Senate says does not contain any such provision.

So that the Senate is confronted with a clear-cut choice of ratifying the treaty as is, without such reference, or the raising of a misunderstanding by approval of this reservation.

Mr. ERVIN. Mr. President, I do not see why the Senator from Tennessee and the Senator from Arkansas are not willing for the Senate to say that it believes in the principle of my reservation. That is what opposition to the reservation implies.

Mr. HARTKE. Mr. President, I should like to direct a question to the chairman of the Committee on Foreign Relations. At the time of the Gulf of Tonkin resolution, we had somewhat similar assurances that there would not be an extension or utilization of American military might, or a commitment of our troops. Does the Senator feel that there is any parallel between the present treaty and the Gulf of Tonkin resolution?

Mr. FULBRIGHT. No, I do not. I think that the circumstances are entirely different. This is a treaty which has been negotiated over a period of 4 years. It was voted on in committee last summer. It was on the calendar from along in June or July until recently. It has been taken up again. There is no uncertainty about what is in the treaty.

There is not one word in the treaty that refers in any way to the use of our troops.

The Senator from North Carolina, on his own motion, raises the question. He says that if we do not accept it, then we are endorsing an opposite proposition. That is a strange way, indeed, to proceed in this body. That means that any Senator who gets up to offer an amendment to any bill on some outlandish or unrelated subject, if it is turned down, can assert that the Senate is endorsing an opposite proposition. To me, that is a strange principle for this body to proceed on.

I do not accept for one minute the view of the Senator from North Carolina that if we vote down the reservation, then we automatically agree we are going to use our troops for the relief of Red China. Really, how ridiculous can we get? But that is what is meant if we vote down his reservation, he says.

Of course, we mean no such thing. This is largely a procedural matter, because we do not want to tie up a treaty any further which has been under consideration for 4 years; and 87 countries have signed it and nine have ratified it, including Great Britain.

Now we begin to open it up with reservations at this late date. Why did not the Senator from North Carolina submit his reservation in committee? It has been there for a year. He had plenty of opportunity to put it before the committee. We could have thrashed it out and given it careful consideration in proper procedure. But to bring it in as it reaches the floor of the Senate is not, I submit, Mr. President, a very sound way to try to legislate.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. I think it should be iterated and reiterated that the treaty has the support of two different administrations. The predecessors and the present officials of the present administration all were for it. It has been before the United Nations as long ago as 4½ years.

I cannot recall, since I came to the Senate, of any treaty which has received such close scrutiny and such constant consideration as the one now before the Senate.

Mr. FULBRIGHT. The Senator from Montana is quite right. President Nixon has given it his complete endorsement and requested the Senate to give its advice and consent promptly. He certainly studied the treaty carefully before he made that request.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MURPHY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield what time I have remaining.

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Mr. MURPHY. Mr. President, I should like to ask the distinguished chairman of the Foreign Relations Committee, in order to clarify the question in my mind, whether he has or not—and if he has I should like to hear them—any reflections as to the understanding of the 80-odd nations, already signatories to the treaty, of these conditions.

As I understand it, there was misunderstanding on the part of the committees, there was misunderstanding and uncertainty among Senators here in the Chamber; and statements have been made by Secretary of State Rusk, President Johnson, and Ambassador Coldberg, as well as Secretary of Defense McNamara. I should like to know whether the nations who have already signed the treaty understand that those statements and those promises have no connection with the treaty the Senate is discussing today; or did they sign the treaty with the understanding that those statements and promises were guarantees and obligations taken on in the treaty by the leaders of the United States?

Mr. FULBRIGHT. Let me say to the Senator that I covered this subject at length yesterday. The treaty itself is what we are voting on today. The statements that may have been made by the individuals the Senator mentions are not a part of the treaty but statements made by members of the executive branch.

Let us be clear that this treaty makes no reference whatsoever to the use of our military forces. There is nothing in the treaty that imposes, or even suggests, that our troops will have to come to the aid of anyone.

The treaty deals only with the basic obligations of the parties with regard to the transfer of nuclear weapons and skills.

The statements made in the United Nations do not affect our obligations under this treaty. The committee has made this very clear in its report, and this debate has reinforced that point. If anyone misunderstands it, it is because they have not read the report or listened to the debate.

Mr. MURPHY. I do not think the Senator has been responsive to my question.

The PRESIDING OFFICER. All time has expired. On this question, the yeas and nays have been ordered—

Mr. MURPHY. Mr. President, with the permission of the Chair, I asked a question.

Mr. FULBRIGHT. Let me say that no nation which has signed the treaty is under any misunderstanding as to what was approved in the United Nations and now that action relates to the treaty. None of the 87 signatories has offered an understanding or reservation on this point. There is no reason to believe that they will.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. PASTORE. May I inquire if it is in order to move to lay the reservation on the table?

The VICE PRESIDENT. The motion is in order.

Mr. PASTORE. Mr. President, I move to lay the reservation on the table.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Rhode Island to lay on the table the reservation of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. MONDALE) are absent on official business.

I also announce that the Senator from Texas (Mr. YARBOROUGH) is necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. MONDALE) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from Colorado (Mr. DOMINICK) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is absent on official committee business.

The Senator from Kansas (Mr. DOLE) is absent on official business.

The result was announced—yeas 61, nays 30, as follows:

[No 17 Ex.]

YEAS—61

Aiken	Harris	Packwood
Allott	Hart	Pastore
Anderson	Hartke	Pearson
Bayh	Hatfield	Pell
Bellmon	Hruska	Percy
Bennett	Hughes	Prouty
Boggs	Inouye	Proxmire
Brooke	Jackson	Randolph
Burdick	Javits	Ribicoff
Case	Jordan, Idaho	Saxbe
Church	Kennedy	Schweiker
Cotton	Mansfield	Scott
Crandon	Mathias	Smith
Dirksen	McCarthy	Sparkman
Eagleton	McGee	Stevens
Fong	McIntyre	Symington
Fulbright	Miller	Tydings
Goodell	Montoya	Williams, N.J.
Gore	Moss	Young, Ohio
Gravel	Muskie	
Gurney	Nelson	

NAYS—30

Allen	Fannin	Mundt
Bible	Goldwater	Murphy
Byrd, Va.	Griffin	Russell
Byrd, W. Va.	Hansen	Spong
Cannon	Holland	Stennis
Cooper	Hollings	Talmadge
Curtis	Jordan, N.C.	Thurmond
Dodd	Long	Tower
Eastland	McClellan	Williams, Del.
Ervin	Metcalf	Young, N. Dak.

NOT VOTING—9

Baker	Dominick	McGovern
Cook	Ellender	Mondale
Dole	Magnuson	Yarborough

So Mr. PASTORE's motion to lay Mr. ERVIN's reservation on the table was agreed to.

Mr. HART. Mr. President, every citizen concerned about the Nuclear Non-proliferation Treaty has found himself

the target of a stream of commentary that will alternately hail the treaty as the final instrument of world peace or condemn it as a dangerous hoax that threatens the safety of all.

It is, of course, neither.

The treaty is based on the simple concept that the world already is a dangerous place to live in but it could get a lot worse. The treaty, then, is designed not so much to change anything but rather to preserve the status quo.

And since the international status quo is certainly imperfect, the treaty could be said to be similarly flawed.

The pact is the product of years of negotiation between the United States and the Soviets. Basically, it would do this:

The nuclear nations that signed would pledge not to pass out atomic weaponry to any nonnuclear nation.

Nonnuclear signers would pledge not to produce their own atomic weapons. In return, nonnuclear signers would get, first, technological help in developing peaceful uses of the atom, such as powerplants. These facilities then would be open to international inspection by United Nations teams; and, second, a joint pledge to the United Nations by the United States and Russia that they will come to the aid of any nonnuclear nation that is threatened by atomic attack.

The treaty is clearly in the interest of the nuclear "club" nations. When five men are holding shotguns on each other, a new influx of gunmen will do nothing to promote the general welfare.

And nonnuclear nations—if they can believe that their security is being sufficiently protected by big powers—can then save themselves the tremendous expense of building a private atomic arsenal.

The trouble is that there are lots of nations that will not sign.

On the nuclear side, the Soviet Union, United States, and Great Britain will probably agree to the pact but France is unlikely to and Red China, suspicious of everyone, almost certainly will not.

On the other side, India is publicly doubtful about trusting her defense against China to the hands of anyone else. Israel or Egypt might decide that only their own atomic warheads could offer the protection each thinks it needs.

If India goes atomic, Pakistan will get nervous. And in Japan, there is already debate about whether to crank up a nuclear weapons program.

Still, there are some 80 nations that have indicated a willingness to sign. And even if the treaty is not universally accepted, it seems to me that it could exercise a significant and benign influence.

One thing is perfectly clear: For the most selfish—and, therefore, the most trustworthy of reasons, both the United States and Russia—the big "overkill" nations—are keenly anxious to see that no atomic shots are fired in anger by anyone anywhere.

Any exchange of nuclear fire—even by small nations—would make the whole world so jumpy that a general conflagration would become far more likely.

And, if sanity prevails, Red China—or France—will be less likely to rattle

atomic sabers with both the United States and U.S.S.R. standing by in stern disapproval.

And within the smaller nations, the treaty is bound to strengthen the hand of those political forces that oppose nuclear weapons development.

Moreover, it might also smooth the way to a joint U.S.-U.S.S.R. decision to abandon plans for antiballistic missile systems. Such systems, in my opinion, will only crank up a new arms race that is bound to end in a tie after both sides have spent enormous sums.

Actually, there are signs that the Russians are already recognizing the futility of ABM but, unhappily, the American military is still eagerly promoting it. But, that is a subject which will be thoroughly debated by this body later on.

The Nonproliferation Treaty is not the answer to all the problems the world was confronted with when the first A-bomb went off. But I think it is a sound step forward and I intend to vote for it.

True, the whole thing could fall apart in a few years but we would be no worse off than we are now.

Failure, however, does not seem probable. Even if it did, we still have the responsibility to make the effort.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return briefly to legislative session. This will take only a minute.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMEMORATION OF THE 50TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN LEGION

Mr. DIRKSEN. Mr. President, for myself and the distinguished majority leader, I submit a resolution, and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated by title.

The legislative clerk read the resolution, as follows:

S. RES. 163

Whereas March 15-17, 1969, will mark the Fiftieth Anniversary of the founding of the American Legion; and

Whereas this event is being commemorated by millions of American Legionnaires in thousands of Legion Posts throughout the United States and foreign countries; and

Whereas through fifty years of service the American Legion has dedicated itself to advancing the welfare of the American people and maintaining the security of the Nation; and

Whereas foremost among its many worthwhile programs are those designed to instill in the minds and hearts of America's youth a devotion to the virtues of patriotism and good citizenship; Now, therefore, be it

Resolved, That the Senate of the United States salutes the American Legion on the occasion of its fiftieth anniversary; that it calls upon the American people to commend and felicitate this great organization upon its achievements during its fifty years of

service to God and country; that it acknowledges the need for a service organization such as the American Legion in our American society; that it expresses the hope that the splendid work of the American Legion will continue during the next half century; and that the Senate pledges its continuing cooperation with the men and women of the American Legion in their programs of service to community, State, and Nation and in their determination to safeguard and transmit to posterity the principles of justice, freedom, and democracy upon which our Nation is founded.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, tomorrow belongs to the youth of today, and I rise to pay tribute to an organization which for 50 years has placed a major emphasis on youth programs. On March 15, 1969, the American Legion will mark its golden anniversary. Looking back at the record of its many great achievements since 1919, one is struck by the outstanding success the Legion has had in providing worthwhile activities for the boys and girls of our Nation.

The Legion early determined that to safeguard the future of the Nation it was necessary to instill in the minds and hearts of young Americans an understanding of, and a love and respect for, those principles and ideals upon which our country was founded and the institutions upon which it has been built.

To meet this objective, the American Legion has developed the boys' and girls' State and Nation programs. These programs are designed to train young Americans in the practical operation of our democratic form of government. On college campuses all over America thousands of young high school juniors meet every summer to organize themselves into city, county, and State governments, and to learn by doing how the machinery of government works.

Each year two boys and two girls from each State come to Washington, brought here by the American Legion and the American Legion Auxiliary. During their 2 weeks here they learn about the Federal Government and how it operates. They see it in operation and they have the opportunity to meet many Members of Congress and high Government officials. Their experience is indeed a thrilling and invaluable one, thanks to the efforts of the American Legion.

In addition to the boys' and girls' State and Nation programs the Legion has many other fine youth activities which contribute to the sound development of young Americans. The American Legion baseball program is known to all. It has provided training in sportsmanship to millions of American boys through the years. A notable byproduct of this great program are the hundreds of major league ballplayers who have risen to fame and fortune through the avenue of American Legion baseball.

The American Legion high school oratorical program, while a smaller one, is nonetheless of considerable significance. Through it young boys and girls gain practical experience in the art of public speaking. Their subject is the Constitution of the United States, which leads to a depth of understanding of that great document.

In the field of Boy Scout sponsorship the American Legion has taken a leadership role, with more than 4,000 troops being sponsored by American Legion posts all over the country.

Annually, an estimated three-quarters of a million young men from the 50 States, District of Columbia, and Puerto Rico participate in Legion-sponsored youth programs and activities.

During this golden year the American Legion can take great pride in its fine youth programs and in their contribution to the future strength of America.

I might add, Mr. President, that as a former chairman of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, I am well aware of the constructive efforts the American Legion has made also for our Nation's veterans themselves.

I am happy to join my colleagues in paying tribute to this organization, on the occasion of its 50th anniversary.

AMERICAN LEGION HONORS 78 EMPLOYERS IN 1968 FOR HIRING HANDICAPPED AND OLDER WORKERS

Mr. RANDOLPH. Mr. President, I rise to express tribute to an outstanding organization, the American Legion, which will celebrate its 50th anniversary on the 15th, 16th, and 17th of this month.

There is much we could say in praise of the many constructive Legion programs. However, I feel it is appropriate to emphasize one of the lesser known—but vital—activities, a program to recognize annually employers in each State for their distinguished records of employing handicapped persons and older workers.

In the year 1968, 78 of these employers were recognized for special awards. Mr. President, I include for the RECORD a listing of these employers by State and the award they received:

LEGION HONORED 78 EMPLOYERS DURING 1968 FOR HIRING HANDICAPPED AND OLDER WORKERS

National American Legion citations for good employment practices were awarded to 78 employers around the nation during 1968 with 42 firms honored for their practices in hiring the handicapped, and 36 for hiring older workers.

The national awards are made on the recommendation of a state or other department organization of the Legion which nominates employers each year for the National-Hiring-The-Handicapped Award and the National Older-Worker Citation. Awards are made by the Legion's National Economic Commission.

Handicapped awards are usually made in connection with the annual Employ the Handicapped Week and represent part of the Legion's participation in the programs of the President's Committee on Employment of the Handicapped—while older worker awards are usually made in conjunction with the Legion's Hire the Older Worker Week.

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State	Handicapped award	Older worker award
Alabama	1. Southland Mower Co., Selma. 2. Tim's Modern Cleaners, Fayette.	Opelika Mfg. Co., Snowflake-Wolf Division, Phenix City.
Alaska	None.	Juneau Cold Storage Co., Inc., Juneau.
Arizona	First National Bank of Arizona, Phoenix.	VA Hospital, Tucson.
Arkansas	Addison Shoe Corp., Wynne.	Camden Manufacturing Co., Camden.
California	None.	City of Modesto, Department of Parking and Traffic.
Colorado	Martin-Marietta Corp., Denver Division, Denver.	Denver Hilton Hotel, Denver.
Connecticut	None.	None.
Delaware	Farmers Bank of the State of Delaware, Dover.	Do.
District of Columbia	Office of Selective Placement Projects, U.S. Civil Service Commission.	Woodward & Lothrop, Inc.
Florida	None.	None.
Georgia	do.	Ward Wight Realty Co., Atlanta.
Hawaii	Saga Food Co., Honolulu.	Liberty House, Waialae branch, Honolulu.
Idaho	Bannock County Memorial Hospital, Pocatello.	None.
Illinois	Union Special Machine Co., plant No. 2, Huntley.	Motor Wheel Corp., Mendota.
Indiana	None.	None.
Iowa	Caterpillar Tractor Co., Davenport.	Harrison & Co., Florists, Sioux City.
Kansas	Henry Corp., Topeka.	Ramada Inn, Hays.
Kentucky	Levi Strauss & Co., Florence.	Island Creek Coal Co., Elkhorn Division, Wheelwright.
Louisiana	1. Cotton Products Co., Inc., Opelousas. 2. Lake Charles Charity Hospital, Lake Charles.	Lockheed Aircraft Service Co., Avenue A, Chennault Field, Lake Charles.
Maine	T. M. Chapman Sons Co., Old Town.	None.
Maryland	None.	Do.
Massachusetts	E. F. Laurence & Co., Inc., Northboro.	Flavor Fresh Co., Lawrence.
Michigan	G. A. Ingram Co., Detroit.	Rycro Engineering Co., Warren.
Minnesota	None.	R. J. Reynolds Foods, Inc., Duluth.
Mississippi	1. American Clean Linen Service, Gulfport. 2. Magic Tunnel Car Wash, Hattiesburg.	None.
Missouri	None.	Do.
Montana	Great Falls Fire Department.	Jordan Newstead, Glendive.
Nebraska	Morton House Kitchens, Inc., Nebraska City.	St. Vincent's Home for the Aged, Omaha.
Nevada	None.	1. Pan American World Airways, Inc., Nuclear Rocket Development Station, Las Vegas. 2. Sacoma Sierra, Inc., Carson City.
New Hampshire	Ben's Auto Body, Inc., Portsmouth.	Nashua Plastics Co., Inc., Nashua.
New Jersey	Stokes Laundry Co., Wildwood Crest.	Monmouth Silversmiths Corp., Shrewsbury.
New Mexico	Tempo Department Store, Inc., Hobbs.	K. L. Towle Construction Co., Hobbs.
New York	Bulova Watch Co., of Queens.	None.
North Carolina	1. National Weather Records Center, Asheville. 2. William Fetner, Inc., Rockingham.	Carolina Mills Maiden.
North Dakota	None.	None.
Ohio	Senco Products, Inc., Cincinnati.	Hydraulic Press Division, Koehring Co., Mount Gilead.
Oklahoma	Phillips Petroleum Co., Bartlesville.	Serv-Air, Inc., Vance Air Force Base, Enid.
Oregon	Oregon Technical Products Co., Grants Pass.	Eugene F. Burrill Lumber Co., White City.
Pennsylvania	Eljer Plumbingware Division, Wallace-Murray Corp., Scranton.	Bachman Bros., Philadelphia.
Rhode Island	None.	Rhode Island Hospital, Providence.
South Carolina	do.	None.
South Dakota	Yankton Daily Press & Dakotan, Yankton.	K. O. Lee Co., Aberdeen.
Tennessee	Magnavox Co., Morristown.	Trane Co., Clarksville.
Texas	1. Red River Army Depot, Texarkana. 2. Texas Plastics, Inc., Elva.	1. Sakowitz, Inc., Houston. 2. William J. Burns International Detective Agency, Inc., El Paso.
Utah	Richfield Reaper, Richfield.	Won Door Corp., Salt Lake City.
Vermont	Campbell Construction, Inc., Williston.	None.
Virginia	H. B. Wilkins Co., Portsmouth.	Titmus Optical Co., Petersburg.
Washington	None.	None.
West Virginia	Continental Can Co., Inc., closure plant 58, Wheeling.	Do.
Wisconsin	Crown Food Service, Wisconsin State University, Oshkosh.	Do.
Wyoming	Unique Notions, Inc., Cheyenne.	Do.

Mr. President, I join with my colleagues in saluting the American Legion for its 50 years of service to our Nation. It has been a privilege to cooperate with the West Virginia State commander, Charles Kuhns, and Legionnaires in our State and the Nation with meaningful programs for our veterans.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 163) was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to executive session.

The VICE PRESIDENT. Without objection, it is so ordered.

Several Senators addressed the Chair.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

Mr. COOPER. Mr. President, I have always thought it is not the best procedure to explain one's vote after the vote but I have no alternative, as the motion to lay on the table is not debatable. In the vote just concluded, I voted not to table.

I voted, of course, in the committee to report the treaty. I support the treaty. I spoke just a few minutes ago against the reservation offered by the Senator from North Carolina and would have voted against it on an "aye" or "no" vote.

But it is my view, in connection with this treaty, unless a reservation or understanding, which is offered, is frivolous, or would go beyond the purpose of the treaty that it should be voted up or down on the merits.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JACKSON. I have the floor.

Mr. PASTORE. For just 30 seconds.

Mr. JACKSON. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I did not make the motion to table to cut off

debate, because we were on limited time, and were to vote at 2:30, at any rate.

But the fact remained that if one voted for that reservation, it could be misunderstood, or if one voted against it, it could be misunderstood, and the only way to resolve the problem was to lay it on the table. That was the reason for my motion. Had we voted on the reservation itself, it would have opened up a can of worms, would have done no one any good, and could have spoiled final action on this treaty.

That is the reason why I made the motion to table.

Several Senators addressed the Chair. The VICE PRESIDENT. The Senator from Connecticut.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. FULBRIGHT. I want to ask a question about procedure. We have one or two other reservations or understandings that may be considered. I wonder if Senators would indicate when they will be willing to take up these matters, and vote.

We have had a vote now on a reservation. Many Senators have asked me: "When do you think we will get a vote on the treaty?" I could give them no guidance at all.

I wonder if those Senators who contemplate offering reservations, understandings, or anything else, are willing to give some indication of their ideas about procedure merely for the information of the Senate. It does not particularly matter to me. I will be here. However, a number of Senators keep asking me and I thought I might get some indication as to when they could expect a vote on a reservation, an understanding, or on the treaty.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MURPHY. How much time does the distinguished chairman anticipate will be allowed with respect to statements?

Mr. FULBRIGHT. We are not operating under limited time. The Senator from Connecticut has the floor. The Senator has the rest of today and tomorrow for that matter. I am not trying to shut anyone off. I am trying to get an understanding, because Senators have asked me when we could expect to vote. I would be willing to propose a unanimous-consent request if the Senator thinks that would be appropriate.

Mr. TOWER. Mr. President will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. TOWER. Mr. President, I have a reservation to offer. I would not expect a vote on it today, but perhaps on tomorrow.

Mr. FULBRIGHT. Would the Senator be willing to have a vote tomorrow?

Mr. TOWER. I think so. I do not commit myself to that.

Mr. FULBRIGHT. I understand.

Mr. TOWER. I think we may vote on it tomorrow.

Mr. FULBRIGHT. That is very helpful. Is there anyone else who will offer one?

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Mr. DODD. I have one understanding, and I would like to have a vote on it tomorrow.

Mr. MANSFIELD. Mr. President, I do not see the distinguished minority leader here.

Mr. PASTORE. Mr. President, we cannot hear a word.

The VICE PRESIDENT. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I wonder if it would be agreeable with the acting minority leader, the ranking minority member of the committee, the chairman of the committee, the Senator from Connecticut (Mr. DODD), the Senator from Texas (Mr. TOWER), and others who may have reservations, understandings, and whatnot, to give serious consideration beginning tomorrow at the conclusion of the morning hour to a time limitation perhaps on the order of 2 hours on each reservation or understanding and 6 hours on the resolution of ratification.

Mr. TOWER. Mr. President, I would not like to commit myself to a time limitation at the moment. I would like to see which of my colleagues would like to speak on the matter.

Mr. MANSFIELD. That is all right.

The VICE PRESIDENT. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, there was no passage in President Nixon's inaugural address in which the American people responded more warmly than they did to his solemn personal commitment to devote all of his energies to the quest for peace.

I know that I was moved by this commitment; and my reaction was shared by all of those with whom I have had occasion to discuss the inaugural address.

The American people are by nature a peace-loving people. Who among us has not thrilled to the visionary words of the Prophet Isaiah:

And they shall beat their swords into plowshares and their spears into pruning hooks. Nation shall not lift up sword against nation, neither shall they wage war any more.

Although this Biblical vision of a peaceful world of the future has eluded the grasp of mankind, century after century, it still remains one of the supreme goals of every nation that has been nurtured in the Judeo-Christian tradition.

But mankind cannot much longer defer the practical realization of Isaiah's vision. The weapons of mass destruction, already awesome, become more awesome, with every passing year and each new technological innovation.

The Soviet Union and the United States, so we are told, have the means to virtually annihilate their respective populations several times over.

The quest for peace and the search for realistic measures of disarmament have therefore become more imperative in our own lifetime than they were in any previous period of history.

Somehow, we must find the means to slow down and ultimately reverse the arms race.

But we cannot disarm unilaterally, because to do so would be to invite the victory of totalitarian communism. The disarmament measures we seek, therefore, must be realistic and multilateral.

Where such measures are self-monitoring, like the partial Test Ban Treaty, we can enter into them without fear or reservation. But where they are not self-monitoring, then mutual inspection affords the only way in which the free world and the Communist world can assure themselves that agreements are being honored.

This is our dilemma. Because, while the free world has frequently shown itself willing to open its facilities wide to international control and inspection, the Communist world has thus far resisted every such proposal.

Nevertheless, we must persist in our quest for peace despite the obstacles, seeking agreements wherever agreements are possible, and striving at all times to develop a genuine detente with the Communist world, and not the phony one-sided detente of the past decade.

We must never permit ourselves to become so narrow or so militant that we give up the search for international cooperation and disarmament because of repeated disappointments and frustrations, or even because our good faith has too often been rewarded by betrayal.

Somehow, our Nation must find the courage and the wisdom to persevere in our quest for disarmament, even when this quest sometimes seems hopeless and when our patience is tried by repeated provocations.

I share the desire of the majority of the Foreign Relations Committee to prevent or restrict the proliferation of nuclear weapons of mass destruction to nations that do not now have them. Indeed, it is difficult to conceive of any sensible man who does not share this desire.

We all share the hope that some effective means can be found to reverse the so-called vertical proliferation of nuclear weapons, that is, the growth of the stockpiles of such weapons at present in the hands of the five nations which have a nuclear military capability.

I have, over the years, supported every reasonable measure in the field of arms control and disarmament. And I still derive some satisfaction from the knowledge that, thanks to the cosponsorship of 33 other Senators, my resolution of May 1963, calling for the unilateral cessation of atmospheric and underwater tests, has been credited with helping to prepare the way for the partial test ban treaty.

If I have not given my signature to the majority report, therefore, it is not because of any opposition to the principle of nonproliferation or to the efforts of successive administrations to seek new areas of agreement on arms control wherever such agreements are possible.

I differ with the majority report on three major counts:

First, it fails to give adequate attention to the commitment against aggression contained in the preamble, thus, in effect, sweeping future as well as past Czechoslovakias under the rug.

Second, while ignoring the clearly spelled out commitment that signatories must abstain from the use of force or threat of force against other countries, the majority report appears to read into the treaty a "good faith" requirement to abstain from the development of an ABM system pending negotiations with the Soviet Union, a requirement which

is not even alluded to in the text of the Treaty.

I do not, at this point, know how I shall vote on the ABM. It is possible to argue against it on the grounds that it will be ineffective, or that it will be too costly, or that the money could better be spent elsewhere. But I do not honestly see how anyone can invoke the Nonproliferation Treaty to argue against it.

The Nonproliferation Treaty, like the partial Test Ban Treaty before it, commits the signatories to pursue new arms limitations agreements with good faith and urgency. However, I cannot accept the argument that "good faith" requires that we abstain from building an ABM system, while the Soviet Union already has the first elements of such a system in place and is working on improving this system.

One need only recall that we engaged in an honor moratorium on testing during the negotiations for the Test Ban Treaty, in the futile hope that this display of "good faith" would induce the Soviets to reply in kind. The outcome of this honor moratorium was Khrushchev's massive unilateral resumption of testing.

If negotiating in good faith means negotiating in a manner designed to bring about an early and effective agreement, then certainly an argument can be made for the case that we would have been negotiating in better faith and we would have got an earlier agreement with the Soviets had we not involved ourselves in the folly of an uninspected moratorium on nuclear testing.

The same consideration may apply to the question of the ABM.

I differ with the majority report, thirdly, because it fails to give adequate consideration to some of the treaty's major weaknesses, and to the very real and very serious dangers inherent in the treaty.

THE QUESTION OF THE PREAMBLE

The majority report, while characterizing the invasion of Czechoslovakia as "a flagrant violation of international law by the Soviet Union," nevertheless takes the stand that this invasion by itself does not constitute sufficient reason for refusing or delaying ratification. What the report does not point out is that the Soviet invasion was not only a "violation of international law," but that it was also a violation of an essential condition laid down in the preamble of the treaty.

The text of the final clause of the preamble, which is part of the text of the treaty, reads as follows:

The States concluding this Treaty, . . . Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

Certainly, this preamble is not intended as a "pious preambular platitude," as some of the Indian critics of the treaty have suggested.

The assurance that the nations signing the treaty thereby commit themselves to respect the political independence and territorial integrity of other countries and to refrain from the threat

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or use of force, was clearly imperative in soliciting the support and signature of the nonnuclear majority.

In a very direct sense, this assurance is the premise on which the entire treaty is based.

After all, how many of the nonnuclear-weapons nations would have been prepared to forego the right to develop nuclear weapons of their own if the treaty stipulated that the nuclear-weapons powers would remain free, at their discretion, to use force and the threat of force against the territorial integrity or political independence of other states?

The report also ignores the fact that since the invasion of Czechoslovakia there have been two additional violations of the commitment contained in the preamble, on the part of the Soviet Government.

It was a violation of this commitment when the Soviet Government, on the heels of the occupation of Czechoslovakia, threatened to intervene in Western Germany to deal with what it described as the threat of neo-Nazism.

And it was a further violation of this commitment, an even more serious violation because of its doctrinal nature, when the Soviet Government, through the so-called Brezhnev doctrine, proclaimed its right to intervene militarily in any socialist country.

When I have raised these points in discussion with my friends and colleagues, I have received two different replies.

First, I have been told that the preamble is not really part of the treaty and that a violation of the preamble cannot therefore be regarded in the same light as a violation of the articles of the treaty. From a commonsense standpoint, I do not see how it can be argued that when one puts one's signature to an entire document, this signature, nevertheless, does not have a binding effect as far as the preamble of the document is concerned. It is worthwhile noting that the Supreme Court has repeatedly ruled that the preamble is part of the American Constitution and that its intent must be taken into consideration in any interpretation of the Constitution.

Second, I have received the reply that, even though the Soviet Union signed the treaty last July, the actions to which I referred could not be considered violations in the legal sense for the simple reason that the treaty has not yet gone into force.

I consider this a pretty flimsy technical alibi. Perhaps I am old-fashioned, but as I see the matter, honorable governments, once they have given their signature to a treaty, do not then proceed to violate it left and right until the instant it goes into force.

However, I hope that a majority of my colleagues, especially in the light of recent experience, will see fit to support the following amendment which I intend to offer as an understanding to the resolution of ratification.

Be it resolved that the resolution or ratification be amended, viz: Before the period at the end of the resolution of ratification, insert a comma and the fol-

lowing: "with the understanding that, after the U.S. Senate has voted to ratify the treaty, any military attack directed against the independence of another country by a nuclear-weapons state party to the treaty, would be regarded as a violation of the spirit of the treaty and as a threat to the security of other signatories justifying their withdrawal under the 90-day clause; and with the further understanding that, after the treaty has the ratifications necessary to enter into force, any military attack directed against the independence of another country by a nuclear-weapons state party to this treaty, will automatically be regarded as an abrogation of the treaty, rendering the treaty null and void."

In submitting this understanding, I cannot conceive of anyone defending the proposition that, even after the treaty has legally entered into force, the Soviet Union should remain free to violate the conditions of the preamble, as often as it desires, with complete impunity.

If the understanding I have offered carries, then I shall vote for the treaty, despite serious reservations about its other clauses, because I believe that the preamble to the treaty, if seriously meant and seriously enforced, would help to make the peace of the world more secure.

I also intend to offer a second amendment, in the form of an understanding, urging that, instead of depositing the instrument of ratification immediately, the administration should seek to arrange for the simultaneous deposit of their instruments of ratification by the United States and the Soviet Union.

I believe that the junior Senator from Rhode Island has raised the question of simultaneous ratification. It seems to me that it is a very good point, a solid one, and one we should earnestly consider.

I feel that this amendment is called for by the fact that the treaty establishes no deadline for ratification. Thus, if we were to complete the process of ratification in the coming week while the Soviet Union held off on ratification for another year or two, we might find ourselves, so to speak, over the diplomatic barrel.

Other efforts will, I am told, be made to improve the quality of the treaty by attaching understandings or reservations or amendments to the resolution of ratification. Some of these, hopefully, will carry. If they do, it would help to ease the dilemma that confronts me. For it is not a pleasant position to be in: to believe in the principle to which a treaty is directed, and yet to have serious misgivings about the effectiveness of the treaty and about its ability to achieve its stated purpose.

Whether I vote for the treaty or wind up voting against it or abstaining, I consider it my duty to underscore its essential weaknesses, for the information of my colleagues and the public and for the sake of the historical record.

In considering the merits and weaknesses of the treaty, it might be helpful to do so by posing the following series of questions:

First. Does the treaty in any way serve to reduce the danger of thermonuclear war?

Second. Will it be effective in preventing the proliferation of nuclear weapons to the nonnuclear nations?

Third. Will it strengthen or weaken NATO?

Fourth. Will it strengthen peace in the Far East?

Fifth. Will it reduce the nuclear danger in the Middle East?

Sixth. Will it increase our commitments?

Seventh. Will it, in terms of its overall impact, better serve the interests of the free world or the interests of Moscow and Peking?

Let me attempt to answer these questions in the order in which I have raised them.

DOES THE TREATY IN ANY WAY SERVE TO REDUCE THE DANGER OF THERMONUCLEAR WAR?

Despite the widespread popular impression that the treaty involves some kind of nuclear disarmament on the part of the nuclear powers, this simply is not so.

I wish it were so. The fact is that people have been misled by the careless manner in which this treaty has been discussed and by the tendency on the part of some—I am not speaking of any Member of this Chamber—to hold it up as a panacea for all the world's ills.

The treaty imposes no restrictions of any kind on Red China or France, because they have made it abundantly clear that they do not intend to sign it.

Nor does it impose any restrictions of any kind on the Soviet Union, the United States, and the United Kingdom, the three nuclear powers who have signed the treaty. They could, under the terms of the treaty, increase their stockpiles of nuclear weapons tenfold, equip them all with multiple warheads, and push their nuclear weapons technology at a hundred different points.

The great danger of thermonuclear war over the coming decade lies not in the fact that several nonnuclear-weapon nations might, if they started this year or next year, build a few nuclear weapons of their own. The danger lies, rather, in the existence of massive arsenals of nuclear weapons in the hands of the two superpowers, and in the supplementary fact that the Red Chinese Government, with all its belligerency and unpredictability, is already well along the road to stockpiling thermonuclear weapons of its own.

Neither one of these dangers will be affected one iota by the terms of the treaty we are today being called upon to ratify.

A decade from now, the Nonproliferation Treaty, if it is effective, might conceivably reduce the danger of a larger war beginning with a nuclear exchange between small nations. But the next question we have to answer is:

WILL THE TREATY BE EFFECTIVE IN PREVENTING THE PROLIFERATION OF NUCLEAR WEAPONS?

On this point, I find the testimony that has been given to date far from reassuring. Indeed, it is highly possible that this treaty may encourage the proliferation of nuclear weapons to have-not nations, rather than discourage it. I say this for the following reasons:

First. Under this treaty, the nuclear powers commit themselves to assist sig-

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natories to the treaty in developing peaceful nuclear facilities of their own.

Second. There is no clear-cut demarcation between peaceful nuclear materials and military nuclear materials nor between peaceful nuclear technology and military technology. One leads inevitably into the other.

Third. As Atomic Energy Commissioner Seaborg stated in 1966:

It is perfectly feasible to build a clandestine chemical-processing plant using readily available technology and equipment.

Fourth. The inspection provisions of the treaty are ambiguous and grossly inadequate. I shall deal with this matter in detail in my further remarks.

Fifth. The treaty makes no restriction of any kind on the delivery by nuclear-weapons states to non-nuclear-weapons states of missiles and other delivery systems.

Sixth. Although many scientists are convinced it will be possible to produce pure fusion, or hydrogen, weapons without the use of fissionable material, the language of the treaty does not concern itself with this prospect. Instead, the language has only to do with "fissionable materials," and the equipment used in processing such materials.

Seventh. Any signatory can withdraw from the treaty on 90 days' notice.

Given this combination of circumstances, there is ample reason to fear that certain small nations, having used the treaty to acquire a nuclear capability for themselves, may then proceed to develop clandestine facilities to produce nuclear weapons, and then, at the appropriate moment, may contrive some excuse to invoke the 90-day withdrawal clause.

All of this would be enough to worry about, even if all of the non-nuclear-weapon nations were to adhere to the treaty. But the fact is that we still do not know for certain whether West Germany will adhere to the treaty or whether Israel will adhere to the treaty; while the majority of the nations on Red China's periphery—Japan, India, Singapore, Indonesia, Pakistan, Thailand, Australia, and even Burma and Cambodia—have thus far made it clear that they have no intention of adhering to the treaty, or else have abstained from signing it.

THE NONPROLIFERATION TREATY AND THE FAR EAST

In the case of the Far Eastern nations who have thus far abstained from signing, I must in all frankness say I cannot blame them for feeling threatened by Red China's belligerence and by her growing nuclear arsenal.

Nor can I blame them for feeling that they cannot entrust their future existence to the flimsy and ambivalent assurance contained in the United Nations resolution of June 1968, which spoke grandiloquently of the U.N. Security Council countering a nuclear attack, or the threat of such attack, "by measures to be taken in accordance with the United Nations Charter." Their conviction that this resolution is meaningless has been borne out by the recent assurance of the Secretary of State to the Foreign Relations Committee that

"as a matter of law and as a matter of policy" the United States had incurred no additional defense obligations under the terms of the United Nations so-called security guarantee resolution.

Nor can I blame the Far Eastern nations for being less than certain that the United States and the Soviet Union would spring immediately to their defense if they were the subject of nuclear attack, or threatened nuclear attack, by Red China.

The surest way to deal with the threat of Red China, in the opinion of these nations, is for them to develop at least modest nuclear capabilities of their own, so that they would be in a position to retaliate if they were attacked.

Nonproliferation Treaty or no Nonproliferation Treaty, the imperative logic of the situation points to the development of national nuclear capabilities by the major free nations or China's periphery.

I am disturbed by the prospect of the proliferation of nuclear weapons anywhere. But it is difficult to find a satisfactory answer to Asian statesmen when they argue that it would be better for the Asian nations to have a nuclear deterrent of their own than to leave the countries of the Far East defenseless before Red Chinese nuclear blackmail, or than to assume for ourselves the entire responsibility for imposing nuclear restraints not only on the Soviet Union but also on Red China.

Already, the treaty has placed a strain on our relations with Japan and India and the other holdout nations, and, to this extent, has diminished our ability to influence the course of events in the Far East.

THE NONPROLIFERATION TREATY, NATO AND THE PEACE OF EUROPE

We have been told that the Nonproliferation Treaty represents a great victory for American diplomacy and that its ratification will dramatically strengthen the peace of Europe.

I only wish that this assessment were true.

Actually, as the treaty is now written, it represents a major victory for Soviet diplomacy; it places further serious strains on the NATO alliance; it further separates Western Europe from America; and to the extent that it does these things, it imperils the peace of Europe rather than making it more secure.

Although we have been repeatedly assured that our allies were consulted at every step, the fact is that our allies were informed rather than consulted. Our cavalier disregard for their opinions during the negotiation of this treaty by itself did the most serious damage to the structure of mutual confidence on which the Atlantic Alliance is ultimately based.

The story has gained wide credibility that the Soviet Union, in negotiating the Nonproliferation Treaty, was interested primarily in preventing West Germany from gaining access to nuclear weapons. But, as Professor Robert Strausz-Hupe pointed out in testimony before the Foreign Relations Committee, the Bonn government, under the agreement with the Western European Union—WEU—which ratified its access to NATO, renounced

the possession of nuclear, biological and chemical weapons.

Not only has the German Government itself displayed no desire to acquire such weapons, but such a desire, if it did exist, would be strongly opposed by Germany's Western allies. The Western allies, moreover, would have the power to enforce their opposition because the agreement between the WEU and the Bonn government calls for a remarkably tight system of onsite inspection.

The prime objective of the Kremlin in negotiating this treaty was to undermine NATO. This, indeed, has in recent years been the announced objective of the Soviet Government in all of its diplomacy vis-a-vis the Western world. Soviet Party Leader Leonid Brezhnev made this abundantly clear in his statement before the Conference of European Communist Parties in Czechoslovakia in April, 1967. Let me quote what he said on that occasion:

In weighing the opportunities opened up by developments in Europe, we cannot bypass the fact that within two years the governments of the NATO countries are to decide whether or not the North Atlantic Treaty is to be extended. In our opinion it is very right that Communists and all progressive forces are endeavoring to make use of this circumstance in order to develop on an ever-wider scale the struggle against preserving this aggressive bloc.

A second objective of the Kremlin in negotiating this treaty was to place a prohibition on the often discussed possibility of a NATO or European nuclear deterrent force.

Even our best friends in Europe feel uneasy over the present state of affairs, under which the entire decision on whether or not to employ nuclear weapons of any kind in the defense of Europe remains an exclusive American responsibility. These fears, growing from year to year, have seriously eroded the morale of the alliance.

It is true that our present laws prevent us from turning over the control or custody of nuclear weapons to any nation other than Great Britain. But before the Nonproliferation Treaty was negotiated, there was always the possibility that we might exercise our option to assist in the formation of a European or NATO nuclear deterrent force.

It is to be noted that the creation of a European or NATO nuclear deterrent force would not require any increase in the present number of nuclear powers.

It would not involve giving nuclear weapons to Germany or Belgium or any nation that does not now possess them.

What it would involve, essentially, would be giving a NATO authority or a European authority the power to decide at what point nuclear weapons should be employed in the defense of Europe, instead of keeping this power of decision an American monopoly.

Until we surrendered on this point to the Kremlin in the negotiations for the Nonproliferation Treaty, we had always sought to keep this option open, and even to encourage it.

As early as September 1960, President Kennedy called for a "new approach to the organization of NATO." He suggested, among other things, that our

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allies "may wish to create a NATO deterrent, supplementary to our own, under a NATO nuclear treaty."

Two years later, speaking in Copenhagen, Mr. McGeorge Bundy said:

If it should turn out that a genuinely multilateral European deterrent, integrated with ours in NATO, is what is needed and wanted, it will not be a veto from the Administration in the United States which stands in the way. . . .

And in August of 1965, speaking before the 18-Nation Disarmament Conference in Geneva, Ambassador William C. Foster said that if "the nations of Europe wish to achieve some kind of political unity which includes some central political authority capable of deciding in behalf of all members on the use of nuclear weapons, we feel that reconsideration of the provisions of the charter for the Atlantic force would be appropriate."

In the early drafts of the treaty, as I have pointed out, we sought to keep the European or NATO option open. When the Kremlin remained adamant, however, we gave ground on this cardinal point without consulting our allies. When we did so, the Soviet Union gained a major foreign policy objective.

The treaty, as it is now worded, reads:

Each nuclear-weapon State party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly

This language would appear to be iron-clad.

The State Department has offered the interpretation that the treaty does not completely prohibit the development of a European nuclear force. According to this interpretation, the treaty would permit the establishment of a European nuclear force if the European nations succeeded in achieving a federation involving single control over defense and foreign policy. At this point, so the argument goes, the European federation would become the legal inheritor of the British and French stockpiles and weapons facilities.

Apart from the fact that this interpretation relegates the possibility of a European nuclear force to a distant and at the best uncertain future, the Soviets have given no indication that they are prepared to accept the validity of this interpretation.

Let no one underestimate the significance of this concession or the damage it has done and will continue to do to the Western alliance.

THE LOOMING CONFLICT WITH EURATOM

Further damage is bound to result to the Western alliance and to our ties with our European allies from the conflict over Euratom which the Nonproliferation Treaty makes virtually inevitable.

Some of the facts about Euratom and the International Atomic Energy Agency—IAEA—are set forth in the record of the hearings before the Foreign Relations Committee. However, I want to recapitulate what I consider to be the essential facts, because I am convinced from many conversations that even well-informed members of the public know

nothing or next to nothing about Euratom or the IAEA.

The membership of Euratom, which parallels that of the Common Market, includes Germany, France, Italy, the Netherlands, Belgium, and Luxembourg.

Having committed themselves to a common program for the development of the atom for peaceful purposes, the Euratom nations have forged ahead on many fronts and at an amazing rate.

Euratom now has four major research centers, and scores of other peaceful facilities under its overall control. For its second 5-year plan, which began in 1967, it budgeted \$550,000,000, and this amount, according to reports, will be substantially increased for the coming period. Its staff now includes some 2,800 integrated European civil servants. Both qualitatively and quantitatively, its efforts in certain key areas of peaceful atomic research are on a par with our own efforts.

Under all the stresses that have characterized intra-European relations in recent years, Euratom has held up remarkably well. Even France, despite the fact that it has become a nuclear weapons power since joining Euratom, continues to submit all of its peaceful facilities to Euratom regulations and safeguard inspections, and continues to accept the arrangement under which Euratom retains legal title to all of the nuclear materials used in the various national facilities of its member states.

The International Atomic Energy Agency was set up subsequent to President Eisenhower's "Atoms for Peace" speech in 1953. At the present time it has 98 member nations, and a governing body of 25 nations. The board of governors consists of the five major nuclear nations and of 20 other nations elected at the annual conference.

IAEA has developed very slowly, and this is particularly true of its safeguards and inspection program. As Mr. William Bader points out in his book on "The United States and the Spread of Nuclear Weapons," as late as 1967 IAEA "had a team of only 13 inspectors, inspecting facilities which produced only 6 percent of the world's plutonium output."

I might say that the book by Mr. Bader is a remarkably scholarly and objective piece of work. I have read it with great interest and I would recommend to all those who are concerned over the spread of nuclear weapons.

During the recent hearings, the points were made that there is no veto in the IAEA governing board, while individual member nations do have the right to veto specific inspectors who may be assigned to them by IAEA. I cannot help wondering whether these answers do not seek to avoid the very real political problem that would arise if our own country or any other non-Communist member of IAEA were to refuse to accept not merely a Soviet inspector but all inspectors of Bulgarian, Czechoslovak, Polish, or other Communist nationality.

The Euratom nations are convinced that their own inspection procedures are adequate for the purposes of the Nonproliferation Treaty, and they are under-

standably reluctant to surrender the integrity of this effective regional system, by submitting their facilities to IAEA inspection under the Nonproliferation Treaty system. Indeed, this would be a violation of their obligations under the Euratom Treaty.

It has been stated repeatedly by American spokesmen, and this was recently repeated before the Foreign Relations Committee by Atomic Energy Chairman Seaborg, that we regard Euratom safeguards as satisfactory and that we anticipate the negotiation of an agreement between Euratom and IAEA, governing inspection under the Nonproliferation Treaty.

In his testimony of last July 12, Dr. Seaborg said:

I believe the IAEA and Euratom will succeed in developing a mutually satisfactory safeguards arrangement. I base this confidence on my belief first, that the IAEA and Euratom safeguards systems are generally compatible, and second, that the IAEA will wish to take advantage of the Euratom procedures wherever it can in developing the arrangements, bearing in mind that the Euratom system has worked effectively for many years.

Moreover, the Euratom nations believe that if they are subordinated to IAEA, it is politically inevitable that some of the inspectors, if they are given access to Euratom facilities, will have a supplementary function to perform.

I want to note at this point that, under the IAEA system, its inspectors have the right and responsibility, I quote, "to examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only from the viewpoint of assuring that it will not further any military purpose."

I also want to note at this point that the Soviet Union has already expressed misgivings about the fast breeder reactor program which Euratom has been developing with its members and the United States, apparently on the grounds that this might have military implications.

The four Euratom nations who have signed the treaty—Italy, Belgium, Netherlands, Luxembourg—have all attached the reservation that their ratification will be contingent upon the possibility of negotiating a satisfactory agreement on inspection between Euratom and the International Atomic Energy Agency.

West Germany, if she joins the Treaty, will almost certainly attach the same reservation as her Euratom partners.

France, of course, will not join the treaty, and will not submit to any IAEA inspection procedures supplementary to Euratom's own safeguards.

There is a good deal of reason for fearing that no arrangement will be possible that satisfies both Euratom and the IAEA. Thus, 1 or 2 years hence, we may discover that, after all the agonizing and all the pressuring and all the debate, our Euratom allies will choose to invoke their reservation and opt out of the Nonproliferation Treaty rather than surrender certain of their key prerogatives to the IAEA.

Despite the optimism which Dr. Seaborg and others have expressed over the possibility of working out an agreement between IAEA and Euratom, there is ab-

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solutely no assurance from the Soviet side that it would be willing to accept an arrangement under which Euratom continues to inspect its own facilities and simply reports to IAEA under a verification arrangement.

On the contrary, the chances are that the Soviets will insist that IAEA should have the physical responsibility for inspecting Euratom facilities.

If such an impasse does develop, we would then be confronted with a major dilemma.

If we did nothing, then the Nonproliferation Treaty would probably fall apart.

And if we attempted to bludgeon our Euratom allies by withholding nuclear material under the requirements of the treaty, the consequences for the future of both Euratom and NATO would be grave and unpredictable.

THE TREATY AND THE PEACE OF THE MIDDLE EAST

In the Middle East, the treaty, if it were applied at an early date and if it were vigorously enforced, might very well help to defuse, or partially defuse, the possibility that the Arab-Israeli conflict will escalate to the use of nuclear weapons.

But even here, where it could do the most good, the treaty appears to be hopelessly inadequate. First, it will take more than 2 years before the inspection system envisioned by the treaty becomes fully effective. And second, even when it becomes effective, the inspection procedures, at the best, will be anything but foolproof.

The treaty does not spell out the terms of inspection; these are to be negotiated bilaterally at a much later date between the signatory nations and the International Atomic Energy Agency.

As I pointed out in an earlier statement, we are, in effect, being asked to ratify half a treaty, a very important portion of which still remains to be written.

The treaty language appears to suggest that the rules of inspection under these bilateral agreements will have to parallel the IAEA safeguards system. But if this is so, why does the Treaty not say simply that non-nuclear-weapons nations, in subscribing to the Treaty, automatically place themselves under the IAEA and accept its inspection system? Why the need for separate agreements? Why permit a delay of six months after the effective date of a treaty before the signatory nations even enter into negotiations on inspection agreements, and a delay of an additional eighteen months before such agreements are concluded?

The IAEA rules, as they are now written, provide for inspection only of declared nuclear facilities; and the IAEA inspectors do not have the right to carry out an inspection anywhere else, even if they have reasons to suspect clandestine activity.

Even if the IAEA procedures were more satisfactory, the Agency for a long time to come, as Congressman Hosmer has pointed out, simply will not have the means or the trained inspectors essential to supervise peaceful nuclear weapons programs in scores of non-nuclear-weapons nations.

THE SPECIAL CASE OF CUBA

I have spoken about three violations of the intent of the Nonproliferation Treaty on the part of the Soviet Union. I now wish to call the attention of my colleagues to a fourth violation of the intent of this treaty and one, which, in my opinion, poses a very grave danger to the security of the United States.

In November of last year the Soviet Union completed work on a nuclear reactor in Cuba; and on January 8 of this year a nuclear agreement was signed between Havana and Moscow under which Moscow undertook to help Cuba expand its nuclear program.

The occasion was marked by a major broadcast made over Havana radio on January 9 by Dr. Antonio Nunez-Jiminez, president of the National Commission of the Cuban Academy of Sciences. Although this speech was monitored in full in our country, I recall seeing no reference to it in our press.

At one point in his speech, Dr. Jiminez said that Cuba could now branch out into atomic research, and, I quote, "for this development, the Soviet Union is supplying not only the scientific material, but also the research."

He also said that "the Soviet Union helped us by training, in the best Soviet centers, the first Cuban engineers and nuclear physicists who will join this institute within the next few months."

Finally, he revealed that there are 231 top Russian scientists now serving in Cuba with 222 more due to arrive.

When I raised this matter with Chairman Seaborg in the course of the recent hearings, he replied that the nuclear reactor which the Soviet Union had installed in Cuba was essentially a research facility. If I understood him correctly, the limited size of the facility made it improbable that Cuba could use it to build nuclear warheads within the next 10 years.

It was unclear from his answer whether he was talking about one warhead or many warheads. However, on rereading the record, it appears to me that Chairman Seaborg may have misunderstood my question.

It is not just a matter of the experimental nuclear reactor which the Soviet Union has already installed in Cuba. It is evident from the announced terms of the Moscow-Havana agreement that this is just the beginning of a Cuban nuclear program which is to be greatly expanded over the coming years. So, a few years from now we may find that Cuba has several nuclear powerplants of substantial size, and other nuclear facilities, declared and undeclared.

This would give Cuba the capability, especially if there were no inspection of these facilities, to build up a significant nuclear arsenal.

Because I wanted some expert opinions on certain implications of the Nonproliferation Treaty, I addressed a series of questions to Dr. Edward Teller. Among other things, I asked him whether the Cuban situation poses a danger to the security of the United States. This is what he replied:

There is nothing to prevent Cuba from developing a nuclear capability in the next

few years if they are helped to do so by the Russians. Such a development would certainly prove a serious danger to our security. In considering the question whether or not such a development will occur, one may remember that in the case of China, Russia first provided help then withdrew the help. The Chinese, nevertheless, proceeded to perfect nuclear weapons, although this development was somewhat delayed. On a purely technical basis it is, of course, impossible to predict what decisions Moscow will make and whether or not effective help for the development of a nuclear capability will be given.

Mr. President, because I know my colleagues will be interested in Dr. Teller's views, I ask unanimous consent to insert at the conclusion of my remarks the complete text of the questions I addressed to Dr. Teller and of his replies to them.

THE PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. DODD. Mr. President, there are several additional reasons for believing that the rapidly expanding nuclear program which Castro is carrying out with Soviet assistance poses a very serious threat to our security.

First of all, it is impossible not to be concerned over the testimony of Secretary of State Rogers that there is nothing in the treaty that would prevent the Soviet Union from giving rockets to other nations, so long as these rockets were not equipped with nuclear warheads. Under the treaty, therefore, the Soviet Union can supply missiles to Cuba, while Cuba, with her own nuclear facilities, could build warheads to mate to them.

Finally, it is impossible not to be concerned over an expanding nuclear capability in Cuba when one recalls the facts of the Cuban missile crisis of October 1962.

Over this past weekend, by accident, I happened to read "Thirteen Days," a book written by our late revered colleague, Senator Robert Kennedy, in which he recounts the story of what went on in the White House during those fateful October days. Among other things, he relates how Soviet Foreign Minister Gromyko at the United Nations and Soviet Ambassador Dobrynin in Washington repeatedly and categorically denied that the Soviet Union had emplaced offensive missiles in Cuba or that it had any intention of doing so.

The monstrous deception practiced by Gromyko and Dobrynin on that occasion is of more than passing interest in connection with the present Cuban situation, because Gromyko is still the Foreign Minister of the Soviet Union and Dobrynin is still the Soviet Ambassador to Washington.

Given the history of the recent past, I believe we would have plenty to worry about in Cuba, even if Cuba were to accept IAEA inspection. There is no reason for believing, however, that Cuba will accept even this fragmentary safeguard. If this turns out to be the case, then, at the point where the Nonproliferation Treaty goes into force, the Moscow-Havana agreement on nuclear assistance would automatically constitute a legal violation of the treaty.

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Article III, paragraph 2 of the treaty stipulates that the signatory states will not provide equipment or materials for peaceful purposes to any nonnuclear-weapons state, "unless the source or special fissionable material shall be subject to the safeguards required by this article."

The preceding paragraph—paragraph 1, article III—stimulates that nonnuclear-weapons states receiving peaceful nuclear assistance must enter into agreements with IAEA, based on the agency's standard safeguards system, for the purpose of preventing the diversion of nuclear materials for peaceful uses to nuclear weapons.

While this clause does not necessarily involve adherence to the treaty, it would, as I see the matter, require adherence to a separate agreement with the IAEA, which would more or less parallel the requirements imposed on those nonnuclear-weapons states who do sign the treaty.

However, the Castro government has not merely refused to sign the Nuclear Test Ban Treaty and the treaty prohibiting nuclear arms in Latin America, but it has openly declared that, I quote, "Cuba will never renounce her inalienable rights to defend herself with weapons of any kind" despite any international agreement that may be reached. The words I have quoted come from a statement made at the United Nations last May by Cuban Foreign Minister Dr. Raul Roa.

If the Nonproliferation Treaty is to have any serious meaning for the security of the United States, then it is imperative that the Soviet Union, within the framework of the treaty or outside it, cooperate with the United States in preventing the most lunatic government in the Western Hemisphere from developing a military nuclear capability of its own.

And if the Soviet Government is not prepared to cooperate with us in placing nuclear restraints on the Castro government, then, despite all the good intentions of the men who negotiated it on our side, the Nonproliferation Treaty may turn out to be a dangerous fraud on the American people.

I believe that this is a matter on which Congress should seek clarification before it casts its final vote on the treaty.

CONCLUSION

The Communists are without question the hardest, most calculating, most ruthless practitioners of the art of diplomacy in history. And yet, despite the sorry record of our experience with them, we persist in offering them major unilateral concessions every time we meet them at the conference table. The Nonproliferation Treaty is only the latest case in point.

I hope that we will never again negotiate in this one-sided manner.

There can be no question but that the Soviet Government desperately wanted the Nonproliferation Treaty in its present form. In such a situation, if we were going to make vital concessions to the Kremlin, we should at least have used these concessions for negotiating purposes to extract concessions from the Soviets on other points.

If the Soviet Government, for example, had agreed to use its very great influence over the North Vietnamese Government to bring about a settlement of the Vietnam conflict, such a concession on their part might have been worth the concessions we made to them at the expense of NATO. Indeed, such a quid pro quo would have been understood even by our NATO allies.

It is conceivable that the Nixon administration has, in return for the Nonproliferation Treaty, received some assurance of significant reciprocal actions on the part of the Soviets, about which it is not in a position to make any public statement. I earnestly hope that this is so, because the existence of such an understanding would make the treaty more palatable to many of us. But in the absence of any firm knowledge of such an arrangement, all that any Senator can do is to assess the treaty on the basis of its merits as he sees them.

It is my hope that, when this debate is over, I shall be able to cast my vote in support of the Nonproliferation Treaty, despite the reservations I have expressed.

It is my hope that the faith of our negotiators and of the Senate Foreign Relations Committee who have given so much time and effort to the treaty, will be vindicated by the course of events, and that this treaty will lead to further and more significant measures in the field of arms control and disarmament.

It is my hope, too, that the Soviet Government and the other Communist governments of Europe, under the influence of the liberalizing ferment of recent years, will gradually evolve in the direction of more open societies, with whom broader and more meaningful agreements will be possible.

Whatever differences may have been expressed in the course of this historic debate, the debate has had the advantage of demonstrating to the world that the U.S. Government and the U.S. Senate are willing to go the extra mile and more in the interest of peace, and that we are willing to accept even important risks in order to move one step further along the road of arms control.

Herein lies one of the great redeeming virtues of the treaty now before us.

EXECUTIVE UNDERSTANDINGS NOS. 2 AND 3

Mr. President, I submit two understandings to the resolution of ratification and ask that they be printed and lie on the table.

The PRESIDING OFFICER. The understandings will be received and printed, and will lie on the table.

Mr. DODD. I believe these understandings, as I have entitled them, are important. I think I understand—I have certainly tried to understand—the thinking of others on this subject. I think it is principally to the effect that, "Well, at least it is a beginning. Of course, it is not everything we would like it to be. But let us at least get started."

This is a very appealing argument. I am not unmindful of it. In fact, I am inclined that way myself.

But I think about the Soviet reactor in Cuba. And then I think about the Soviet conduct in Czechoslovakia, followed by the threat against West Germany, and

the threat contained in Brezhnev's statement about the right to intervene in any so-called socialist country. And I say to myself, "For Heaven's sake, what does all this mean?" They have agreed to sign this treaty, and already, according to the preamble, they have violated it several times over.

That worries me.

I would like to see the treaty ratified, but I would also like to see it strengthened. I would like to see us more secure with respect to the hazards that exist, as I see them.

I think this can be done. I hope, therefore, that the understandings I have offered will be acceptable to the Senate.

EXHIBIT 1

QUESTIONS

From: Senator THOMAS J. DODD.

To: Dr. Edward Teller.

Re: Nonproliferation Treaty.

1. Question: How difficult would it be for nuclear have-not nations, once they are provided with nuclear facilities under the terms of the Nonproliferation Treaty, to use these facilities to give themselves a nuclear military capability?

Answer: The bottleneck in producing fission bombs is the availability of an appropriate quantity of U235 or Pu239. Powerful nuclear reactors having a thermal power of 1,000 megawatts or more, will produce ample amounts of Pu239. To erect appropriate chemical separation plants will raise considerable difficulties if they are not already available. This difficulty can most probably be overcome by a determined effort in two or four years. Furthermore, in the natural course of events chemical plants applicable to separation of plutonium will be established.

While it is generally believed that the secrecy erected around nuclear weapons technology will impede development in have-not nations, there is good evidence which shows that this is not the case. None of the present five nuclear nations had difficulty on this score and studies performed by uninformed individuals for the purpose of verifying the efficacy of secrecy have shown that essentially correct solutions on paper will be obtained by capable individuals in a rapid and reliable manner. Secrecy may provide somewhat greater protection in connection with the development of thermonuclear explosives.

1a. Question: Is the supplementary technology necessary to convert peaceful nuclear materials into weapons-grade plutonium, simple and inexpensive enough to make this technology accessible to small countries?

Answer: This technology is neither simple nor inexpensive. On the other hand, a sharp distinction between reactor-grade plutonium and weapons-grade plutonium is not valid. This distinction has been mistakenly overemphasized, even during discussion of the Baruch plan. It is wishful thinking to believe that the composition of plutonium will be a sufficient guarantee against misuse of reactor products in making nuclear explosives.

1b. Question: Is it accurate that the so-called centrifuge process for the production of weapons grade plutonium can be accommodated in facilities compact enough to lend themselves to easy concealment?

Answer: According to the authoritative statement of Chairman Seaborg, the centrifuge process lends itself to the establishment of clandestine plants. However, even if the centrifuge is employed, production of so-called weapons-grade plutonium remains difficult and expensive. As pointed out in the previous answer, production of such material is not essential.

1c. Question: How effective would the IAEA inspection procedures be in preventing

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the diversion of materials for military purposes by governments bent on circumventing the Treaty?

Answer: An economically effective nuclear reactor must have at least a thermal power of 1,000 megawatts. Such a reactor would produce approximately 300 kg of plutonium per year and if 10% of this amount should be diverted, this will suffice to produce several nuclear explosives. By the best possible inspection procedures, diversion of material might be decreased to a couple of percent. Even in this case, the possibility of producing nuclear explosives in a short time is not eliminated. One should further remember that cheap nuclear power would make it desirable to establish a power equivalent to 100 such plants in countries like Japan and Germany in the next decade or two, and 25 such plants in countries like India or Spain. (These figures are based on the assumption that demands for nuclear electric power equivalent to the presently installed total electric power will arise in each country before the year 1980.)

It is therefore certain that even the best possible IAEA inspection will not eliminate the possibility of circumventing the Treaty in a secret manner. It is much more likely that a diversion of several percent of the plutonium will prove possible. If the Treaty is ratified, it may be essential to announce our intention to revise our stand at the end of the 18-month period, at which time we should know whether the inspection procedures are meaningful.

2. Question: Do you believe that this Treaty will really serve to prevent the proliferation of nuclear weapons? Or do you believe that the Treaty may wind up by encouraging the proliferation of nuclear weapons to nuclear have-not nations?

Answer: In view of the answers given to the previous questions, I believe that proliferation will be prevented only in case of countries which do not desire to circumvent the Treaty. Therefore, the question of whether or not the Treaty will be effective reduces to a problem of psychology, rather than technology. It should furthermore be remembered that in case of detected violation by one or two nations, other nations may feel justified in taking open possession of the whole plutonium stock which resides in their functioning reactors. In this case, rapid proliferation will ensue.

3. Question: Is it technically possible to distinguish between offensive and defensive nuclear weapons and, if so, would it be possible to build defensive weapons which could not then be employed for offensive purposes?

Answer: It is not possible to make a technical distinction between offensive and defensive nuclear weapons, *per se*. It is, however, equally obvious that one can distinguish between weapons systems deployed in an offensive and defensive manner. The antiballistic missile system is an example for the latter. It is not proven, but in my opinion likely, that one can develop appropriate electromechanical devices which together with effective inspection procedures will provide substantive assurance against the offensive use of any weapons systems which is defensively deployed and which is safeguarded in an appropriate manner. Such developments could be most significant in allowing peaceful nations to defend themselves, and would thereby decrease the incentive toward deployment of offensive systems.

In case the Treaty is ratified, it would seem highly desirable explicitly to encourage the deployment of defensive systems, and in case that appropriate safeguards become available, to exempt such defensive systems from restrictive provisions of the Treaty.

4. Question: Do you believe that this Treaty is in the overall military and political interest of the United States and the free world?

Answer: To limit proliferation would be in our interest. It is, however, not clear whether the Treaty accomplishes such limitation. By providing aid toward the development of big reactors, and by prohibiting defensive deployment of nuclear weapons, the Treaty may even help to create the means and the incentives for rapid proliferation of offensive weapons.

5. Question: In the latter part of 1969 it was announced that Moscow had installed a nuclear reactor in Cuba. On January 9 of this year Havana radio announced the conclusion of a Moscow-Havana nuclear pact. Under this Treaty, according to a broadcast statement by Dr. Antonio Nunez-Jimenez, President of the Cuban Academy of Sciences, the Soviet Union obligated itself to provide equipment and scientific material, as well as Soviet scientific personnel and training in nuclear technology for Cuban engineers and scientists. Mr. Jimenez said that there were 231 top Russian scientists now serving in Cuba, with 222 more due to arrive. . . . In your opinion, does the prospect of the rapid expansion of Cuban nuclear capability which is almost certain to result from this Treaty, pose a serious danger to the security of the United States? And if there is a danger, is it a danger that relates to the next few years or is it several decades removed?

Answer: There is nothing to prevent Cuba from developing a nuclear capability in the next few years if they are helped to do so by the Russians. Such a development would certainly prove a serious danger to our security. In considering the question whether or not such a development will occur, one may remember that in the case of China, Russia first provided help then withdrew the help. The Chinese, nevertheless, proceeded to perfect nuclear weapons, although this development was somewhat delayed. On a purely technical basis it is, of course, impossible to predict what decisions Moscow will make and whether or not effective help for the development of a nuclear capability will be given.

Mr. HARRIS. Mr. President, the overriding objective of the Treaty on the Nonproliferation of Nuclear Weapons, as set forth in its preamble is to lessen the tensions which could lead to "devastations that would be visited upon mankind by nuclear war."

It is my opinion that the treaty attempts to accomplish this objective in a manner that is consistent with the best interests of the United States and the other nations of the world and therefore it should be ratified by the Senate.

The desirability and necessity of entering into the treaty is highlighted by the overwhelming bipartisan support it enjoys, by the way in which our leaders favor it and by the support it has from over 90 nations representing diverse forms of government.

Widespread support for the treaty has been increasing as we have learned that additional nations either have perfected a nuclear warhead or are devoting additional resources to its perfection.

As additional nations throughout the world become equipped with nuclear weapons, the peoples of the world think more in terms of the probability of nuclear war rather than its mere possibility. The probability of nuclear war, intentional or accidental, continues to increase.

It is not unreasonable to assert that the failure to ratify the treaty would accelerate the spread of nuclear weapons and accelerate the expenditures by all nations on nuclear weapons and systems

related thereto, which would be a drain of more and more resources of the nations of the world which are desperately needed for solving critical domestic difficulties. The increasing level of confrontation and simultaneous neglect of domestic problems could well lead to nuclear devastation.

Even if the nations of the world could avoid nuclear devastation after several years of continued nuclear proliferation, the resultant expense would bring on the likelihood of economic and social devastation. If the nations of the world continue to undertake the massive and continued cost accompanying the spreading of nuclear weapons, they most certainly will be neglecting certain domestic problems which already have been neglected much too long. Although the devastation which would occur from economic and social ruin would not be as sudden as nuclear devastation, it would be no less tragic.

Once it is realized that the treaty does not take a single weapon from our arsenal, does not give the control of any weapons to other countries, and, in fact, has the support of the Joint Chiefs of Staff and other military experts, it becomes evident that our national security interests are safeguarded.

Under such circumstances we should enthusiastically go forward with the treaty, as I think we should have, Mr. President, when it was sent to the Senate by President Johnson last session, hoping that tensions and conflicts between nations will be eased, and more of our resources, including nuclear power, can be dedicated to other important and pressing problems. Accordingly, I do not feel that complicating reservations or understandings proposed to the treaty are either necessary or desirable.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HARRIS. I am happy to yield to the distinguished Senator from Tennessee, whose voice has been one of the strongest on this subject and in favor of this treaty, both during this session of Congress and the last session, and on the general subject in preceding years.

Mr. GORE. I thank the able Senator.

I make reference to the statement of the Senator that our country's security interests are safeguarded by the treaty. This I believe to be a true statement, but I should like to suggest to the Senator that our security interests are advanced by this treaty.

The treaty, as the Senator has stated, does not in any way impede the development and use of weaponry in our own security interests. It goes farther, however, and undertakes to limit the number of nations, hoping by discouragement and otherwise to limit the number of nations that might acquire or hope to have nuclear arsenals.

Even a small nation with a nuclear arsenal can become a very dangerous and deadly adversary. So it would seem to me that not only are our security interests safeguarded, but our security is advanced in that we are more secure and the peace of the world is more secure, if fewer nations have nuclear weapons.

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Mr. HARRIS. To continue with the distinguished Senator's thought, which I certainly endorse, I think our security is also strengthened to the degree that we can slow down the arms race, to the degree that we can turn more of our resources to the solution of the terrible and growing problems we have here at home. I say that the Senator is quite correct, and I would certainly agree with his statement.

Mr. GORE. Will the Senator yield further?

Mr. HARRIS. I am happy to yield.

Mr. GORE. I call to the Senator's attention a most arresting statement made to the Disarmament Subcommittee this morning by Dr. Herbert York, former Chief of Research and Development in the Department of Defense.

He called attention to the fact that if we proceed with the deployment of antiballistic-missile systems depending upon computerized responses, we run the risk of substituting mechanical reactions, affecting war or peace, for the command decisions of chosen representatives and officials of the American people in government.

This gives me an uneasy feeling, because, from my limited experience with computers, I know that the computer has no information which some program planner has not fed into the mechanism, and that now and then computers make total and overwhelming errors. The science is wonderful, but I seem to recall having read now and then where someone has received, for example, a \$5 million check when he was supposed to receive one for \$5. Moreover, in my own experience I have seen rather bizarre results when the machine was asked to give an answer for a set of circumstances for which it had not been precisely prepared.

Had the Senator contemplated that part of the program?

Mr. HARRIS. I am, Mr. President, no expert in computer technology, either, but I think the distinguished Senator from Tennessee has made a very important and rather distressing point, though one which is involved in the consideration of the deployment of the ABM.

I think that one could go further than that, and say that congressional authorization of research and development, as we have done with the Nike X and the Nike-Zeus systems in the past, short of deployment, is one thing; congressional authorization of the Sentinel system, intended to be a negotiating tool in the hands of the Executive with the Soviet Union, is one thing. Deployment of a Sentinel system, one which certainly is an imperfect technological system and raises some of the specters which the distinguished Senator from Tennessee has mentioned, and one which tends in the direction of making new negotiations with the Soviet Union much more complex because of a system in being and in place, is something else altogether.

I, for one, am awaiting with interest the decision by the Chief Executive as to what will be done with respect to the Sentinel deployment. I think it would certainly be a mistake to deploy a Sentinel system at this time. I think that it

certainly would be a mistake if we were not to move with some sense of urgency to sit down and talk with the Soviet Union on this issue as rapidly as we can.

I think the time to do that is overdue, although I grant that the new President certainly has the right to a period during which he becomes more familiar with the national and international situations concerning the ABM system.

I think that is a subject which the distinguished Senator from Tennessee has quite rightly tied in with the instant question, the question concerning the nuclear nonproliferation treaty. We have a chance in connection with this treaty and also in connection with the Sentinel missile deployment question to decide, as the Senator said to me in private conversation a moment ago, in which direction we will move in this country, whether we will move to slow down the arms race, whether we will move further to reduce world tensions, whether we will probe additional subjects where we may have some mutuality or commonality of interest with the Soviet Union for agreements in our mutual self-interest which will allow us to reduce the prospects of further accelerating the arms race and reduce the prospects of further exacerbating the tensions existing in the world—so that we may look toward solving our own internal problems as the Soviet Union must itself look toward solving its own internal problems.

I think that we have a chance on these two issues which are not unrelated, as the Senator's statement and question indicate, to say in which direction we want the country to move.

Mr. GORE. Mr. President, I appreciate the interest and observations of the Senator. I think the facts now reveal to me rather conclusively that Congress and the Government of the United States made an error, a gross error, in deciding to deploy the ABM system, the so-called thin system, to defend our cities against an imagined Chinese threat.

This is not the first mistake we have made. I do not wish to be critical of that. There is no need, however, to compound an error.

I am, however, inclined to think that a great deal of the pressure for deployment, despite the error that is now widely recognized, the pressure to compound the error comes from the industrial-military complex which now feels challenged, and it is challenged, because this is the first decision in the overweening issue before the country for the next decade, the priority and allocation of the resources, the talents, and the means of this Nation.

As between the defense establishment on one hand and all the needs of the American people on the other, they feel challenged. And they are challenged. And if we beat them on this one, we will beat them again and again. They know it. Therefore, they put on pressure to compound a widely recognized error.

Mr. HARRIS. Mr. President, it was a perceptive person who said that some can hear the farthest rumbing of a distant drum, but not the voice of a hungry child.

I do not think that applies to any Member of the Senate, because I think

every Senator does his best to represent the interest of his country in the lights given to him.

While we must protect our own security and help preserve world stability—and, goodness knows, we all realize our terrible responsibilities in that respect—we must also turn our eyes toward and open our ears to the growing problems here at home.

I served on an advisory group which advised with the staff of the Urban Coalition and Urban America, Inc., which recently released a study, 1 year following the Kerner Commission report. I also served as a member of the Kerner Commission.

The gist of that yearend report was that we have moved 1 year further toward two separate societies, separate and unequal.

I think it may be true that we are coming into a period in our country when people may not want to be reminded of the unpleasant problems we face. However, I think, nevertheless, that Senators, citizens, political parties, and public officials have a responsibility to continue to shed light upon these unpleasant problems, because even though for the moment the decibel level of the problems may be down in a case or two, the problems are nevertheless there.

The problems are nevertheless growing more difficult, because as we make progress toward solving these problems, the problems do not stay the same size. The problems grow larger because of the continued urbanization, the continued explosion of our population, and the continued explosion of knowledge and technology.

I think that as we consider this issue before us—one which is international in its aspects—we must, as the distinguished Senator from Tennessee has said again today, and as he has said before on other occasions in the Senate and elsewhere, recognize the chance these issues give us to help point this country and the world in the right direction. Mr. President, I therefore again reiterate my support of the ratification of the Nuclear Nonproliferation Treaty now before the Senate without the adoption of proposed reservations or understandings.

Mr. President, I yield the floor.

Mr. GORE. Mr. President, I trust that the Senate will not agree to the understandings which our distinguished colleague, the senior Senator from Connecticut, has offered.

Perhaps far better than any analysis of the problem I could give is a statement in the hearings of the committee, appearing on pages 423, 424, and 425, which I ask unanimous consent to have printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

FORCE OF TREATY IN TIME OF WAR

Senator JAVITS. Just two questions about the text of the treaty and then, Mr. Chairman, I shall be through.

One is this: I find an interesting difference of view in the testimony last year of Secretary Rusk in sustaining the treaty and General Wheeler in connection with the

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treaty. May I ask the Secretary and the General about this question.

General Wheeler's opinion seems to be that in the event of war the treaty will become immediately inoperative. That does not seem to be Secretary Rusk's view. So I would like to read both statements and perhaps you gentlemen would desire to refer this matter to even other authority but certainly it should be laid upon the record. General Wheeler testified at page 78 of the record:

"Well, of course, in the case of war, Senator Aiken, the treaty as I believe Secretary Rusk pointed out yesterday immediately becomes inoperative."

But when you look at Secretary Rusk's testimony he didn't say that. This is what he said:

"Well, I think, sir, there would be inhibitions in the treaty against the notion that any kind of a conflict would automatically relieve that particular country or the disputant from the obligations of the treaty * * *. It is not intended here that the mere fact that there is an armed clash would operate to relieve a party of its obligations under the treaty. But such party might invoke the withdrawal article, give formal notice * * *."

Now, there is lots of variance there, armed clashes, war, and so forth. The witnesses may have been talking about different things, but nonetheless, I think something ought to be done to make clear to us what is the construction of our country as it enters into this treaty, upon this very serious question as to the force of the treaty in times of conflict between nations.

I would not wish to press the Secretary to an answer, so if he would rather not, I would ask unanimous consent that whatever reply there is be made a part of the record. Would the Secretary prefer that?

Secretary LAIRD. That would be fine, Senator.

The CHAIRMAN. Without objection so ordered.

(The information referred to follows:)

"STATUS OF TREATY IN TIME OF WAR"

"Clarification has been requested of the status of the treaty in the event of war.

"In answering this question, it is necessary to differentiate among the many types of situations that might be comprehended within the term 'war'.

"At one extreme would be the condition of general war involving the nuclear powers and the use of nuclear weapons. With respect to this type of situation Secretary Rusk referred to the questions and answers furnished to our NATO allies which stated that the treaty 'does not deal with arrangements for deployment of nuclear weapons within allied territory as they do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the Treaty would no longer be controlling.' He said:

"I think sir, that this was simply a recognition of what today is almost an element of nature, and that is, in a condition of general war involving the nuclear powers, treaty structures of this kind that were formerly interposed between the parties would be terminated or suspended." (July 11, 1968 hearings, p. 27.)

"At the other extreme would be a limited, local conflict, not involving a nuclear-weapon-state. In this case the treaty would remain in force. The first preamble to the treaty considers 'the destruction that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war' and the second preamble states the belief 'that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war.' This central purpose of the treaty would be subverted by maintaining that the treaty was suspended in the event of such a war

between non-nuclear weapon parties. Accordingly, such parties would be bound by the treaty unless and until they exercised the right of withdrawal under Article IX.

"It was this type of situation to which Secretary Rusk alluded in the following colloquy:

"Senator CARLSON. In other words, let's assume that a nation would decide it was necessary that it became involved in a war, could it, for instance, go to France if France were not a signatory and get not only weapons but warheads and materials to transmit them?

"Secretary RUSK. Well, I think, sir, that there would be inhibitions in the treaty against the notion that any kind of a conflict or a dispute would automatically relieve that particular country or disputant from the obligations of the treaty. There have been a good many armed clashes since the end of World War II.

"Senator CARLSON. There will be some more, I am sure.

"Secretary RUSK. I am sure there will be some more. It is not intended here that the mere fact there is an armed clash would operate to relieve a party of its obligations under the treaty. But such party might invoke the withdrawal article, give formal notice—excuse me, I just wanted to look at this—if 'Extraordinary events related to the subject matter of this treaty have jeopardized the supreme interests of its country.' Now, that withdrawal article is there, and each signatory to the treaty has access to it under the provisions of the treaty.

"Senator CARLSON. In other words, you use the term 'supreme interests'?

"Secretary RUSK. Yes; supreme interests.

"Senator CARLSON. It is your thought it would take more than just a provocation to result in a local conflict?

"Secretary RUSK. That is correct, sir.

"Senator CARLSON. I was interested in that because I can see where it might be very easy to withdraw even though you were a signatory to this treaty, provided you decided that it was necessary to get into a conflict with another country. I wanted some clarification on that if I can get it.

"Secretary RUSK. Senator, let me review the record and see whether I ought to make a small extension of my remarks on this point. But the great objective of this treaty is to make nuclear war less likely by preventing the spread of nuclear weapons to additional countries.

"Again, looking back toward the dozens and dozens of armed engagements that have occurred since the end of World War II, some small scale, others large scale, we would not expect that each one of these engagements should be translated into a nuclear engagement by casual action on the part either of a nuclear power or nonnuclear powers.

"Senator CARLSON. I shall not press it further, but it is rather easy to get into a nuclear situation when you use nuclear warheads, is it not; they need not be very large?

"Secretary RUSK. That is correct, sir.

"(July Hearings, pp. 27-28.)

"Thus, it is clear from Secretary Rusk's testimony that in answering questions as to the status of the treaty in time of war, the particular situation involved must be considered in the light of the intention of the parties and the purposes of the treaty. It follows that there was no inconsistency between the testimony of General Wheeler, who was addressing the first type of situation described above, and was referring to Secretary Rusk's prepared statement, and the testimony of Secretary Rusk, who discussed both situations.

"Source: Department of Defense."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I speak at the moment out of the efforts of many years to promote "atoms for peace."

No one has been more acutely conscious of the urgent need to stop the spread of nuclear weapons.

No one has been more fearful of the awesome consequence of failing to stop them.

Out of my background of these many years to promote international safeguards on nuclear material, I believe I can say that no Member of this body has been more anxious than I to see the achievement of a workable treaty on the nonproliferation of nuclear weapons.

And I greet this treaty before us as a momentous step forward in the direction we all desire—a step toward sanity and security.

Three years ago I had the honor to introduce a resolution (S. Res. 179) commending the President's serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons. This supported the principle of additional efforts in that direction. The negotiating efforts since that time have been Herculean, and have overcome numerous seemingly insuperable roadblocks. The end product is one of which we can all be proud.

While it may not be the most perfect treaty imaginable on this subject, it is a very sound one. And I firmly believe it is the best that could be achieved.

Today I would like to address myself particularly to the article on safeguards. This is article III, which is designed to see to it that the peaceful atom is not diverted to use in nuclear weapons.

Senators may recall that the early drafts of this treaty did not contain such detailed or mandatory provisions on safeguards. In a speech on the Senate floor on January 18, 1966, I pointed this out and urged in the strongest possible terms that the safeguards article be strengthened. I ask unanimous consent that a copy of Senate Resolution 179 and the text of that speech be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. RES. 179

Whereas the spread of nuclear weapons constitutes a grave threat to the security and peace of all nations, and

Whereas the knowledge and ability to design and manufacture nuclear weapons is becoming more universally known, and

Whereas the danger of nuclear war becomes greater as additional nations achieve independent nuclear weapon capability, and

Whereas it is the policy of the United States, as stated by President Johnson, "to seek agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race;" Therefore, be it

Resolved, That the Senate commends the President's serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons and supports the principle of additional efforts by the Presi-

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dent which are appropriate and necessary in the interest of peace for the solution of nuclear proliferation problems.

REMARKS OF SENATOR JOHN O. PASTORE ON THE FLOOR OF THE SENATE ON THE INTRODUCTION OF THE RESOLUTION ON NONPROLIFERATION OF NUCLEAR AND THERMONUCLEAR WEAPONS

Mr. President: On last Wednesday night, we—and the whole world with us—listened and looked on as the President of the United States delivered to us his message on the State of the Union.

We share with him a most earnest hope that his efforts and the efforts of all men of good will—both here and abroad—will prove successful in securing peace to the war-torn land of Vietnam—and peace throughout the rest of the world.

We know, however, that if peace were to settle on Vietnam with today's sunset—the night would be filled with an even greater danger.

The dictionary of mortal danger has given us a fresh word—proliferation. It means the bearing of offspring—the growth by rapid production of new parts—the spreading of new cells.

By proliferation we mean the peril of nuclear proliferation—the expansion of the nuclear club so called—the spread of atomic capability beyond the five nations that already possess it—and amplification of the "over kill" even in the hands of the titanic two—the Soviets and the United States.

Nuclear proliferation is not a peril that we need not recognize until tomorrow. It is not a problem to which we need not give thought until the day after. We must stop it NOW.

In his State of the Union Message President Johnson named Nuclear Control as the Number Two principle in shaping the decisions and destiny of this land of ours.

The President declared that for the security of America he would continue to follow the five lines of policy followed by the four Presidents who had preceded him—Franklin Delano Roosevelt—Harry S. Truman—Dwight D. Eisenhower—and John F. Kennedy.

The first principle—he stated—is strength. We mean the strength to meet all our national commitments of courage and conscience at home and abroad. This Congress will support that.

"The second principle of policy"—President Johnson declared—"is the effort to control and reduce—and ultimately eliminate—modern engines of destruction.

"We will vigorously pursue existing proposals—and seek new ones—to control arms—and stop the spread of nuclear weapons."

This Congress must support that.

So—Mr. President—I rise today to introduce a Resolution that would give recognition to the purposes of the President. It would give recognition to the announced policy of the United States—"to seek agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race."

It would commend President Johnson for his past efforts to negotiate international agreements limiting the spread of nuclear weapons—and it would support additional future efforts to solve nuclear proliferation problems.

On December 8 of last year I sent to each of my colleagues in the Senate a draft copy of my proposed Resolution and advised them how pleased I would be if they would join me in its co-sponsorship.

Mr. President, I am privileged to say that to date fifty of my colleagues have advised me of their desire to join in sponsoring this Resolution.

In expectation that others will wish to join us, I request unanimous consent that this Resolution lie before the Senate for five days before being referred to Committee, in order that those desiring may have opportunity to add their names as co-sponsors.

Such a Resolution is not superfluous—it is salutary. It means a major step toward national security. It means treaties we will have to appraise here—and approve here.

It is a reminder to ourselves and the whole world that we of the Congress have been prime movers for peace. We created a special Agency of this government for peace through armament control—and in that Disarmament Act we spelled out our purposes . . . that the "ultimate goal is a world which is free from the scourge of war and the dangers and burdens of armament—in which the use of force has been subordinated to the rule of law—and in which international adjustments in a changing world are achieved peacefully."

The Resolution means that we have not lost sight of our purposes—that we bear a share of the responsibility in meeting the peril and in solving the problem. It will mean appreciation and encouragement to our responsible officials in taking every step toward curbing the nuclear club. It is a mighty step toward honorable, lasting peace in this world. Let us review the State of that World.

In this quarter of a century we of the Congress have witnessed the creation of miracles for the well-being of mankind.

We have shared in it—we have promoted it. We have speeded the jet—and made the world smaller—we have put communication satellites in orbit and made the world more understanding—we have invaded space and now earth and gravity no longer hold man prisoner.

We have improved on nature's gifts to us—and have made them gifts to a needy world. We have voted food and help and hope to the underprivileged at home and abroad—and we have challenged every plague and malady and virus that attacks the health of mankind.

Yes—the mind of man has achieved miracles to enrich the life of man. But—the science of man has also achieved the means of man's utter destruction.

Man can be the architect of his own annihilation—the disappearance of all civilization—of all that man has attained from the time of beginning. I mean our atomic dilemma.

Today—two nations between them—possess the nuclear power to destroy man's world many many times over.

Mind you—that is "two nations."

But there are today five nations with nuclear capability—and there will be more tomorrow.

For science cannot be repealed—nor long concealed.

What one man creates today—another will imitate and emulate tomorrow.

Any nation willing to pay the price can achieve nuclear capability.

That is the peril of proliferation.

Tomorrow a mind that is mistaken—or mischievous—or mad—might have its finger on a 20-megaton bomb.

He would be toying with the equivalent of 20 million tons of TNT—a thousand times the devastation of the Hiroshima bomb.

And it all began with a whisper!

Those whispers were here in Washington—in a classroom of George Washington University—at a meeting of scientists—one January day of 1939.

One whisperer was Niels Bohr of Copenhagen—he of a Jewish mother.

The other whisperer was Enrico Fermi—Europe's foremost atomic scientist—an exile from Italy—because of his Jewish wife.

What they whispered was the secret of the possibility of uranium fission—the splitting of the atom.

It had been achieved in German laboratories—but the Germans didn't understand it.

Now the exiles in America had it—knew what it meant—and they aroused America to its peril. They practically forced us to race Germany for the atomic bomb.

We won that race in deepest secrecy. Fermi achieved the first controlled atomic reaction on December 2, 1942.

Monday, August 6, 1945, brought the bomb to Hiroshima.

But many scientists look back to January 15, 1939—the day of the tests in the laboratory of Niels Bohr. They say that is the day the Atomic Age was born.

I recount all this to recall just how personal—and perilous—and then how miraculous—that we and not Hitler had priority of the bomb.

If Hitler had it—then the V2's that fell upon Britain might have carried atomic war heads.

Britain might have been just a blazing Hiroshima from one land's end to the other.

Hitler's boast of a Nazi Empire lasting a thousand years might have reached fulfillment—and there would be no Free World centered here today.

We are grateful that America's freedoms brought to our shores such minds as Einstein, Bohr, Fermi, Szilard, Teller, Bethe, Von Neumann and others.

What if these great minds had, instead, chosen Communism—and given their devoted services to Moscow?

If, instead of the United States, a militant Soviet Union, under the leadership of Stalin, had had a four-year lead in atomic weapons, the Iron Curtain might now be stretching not only through Germany but along the western shore of Europe. This curtain might also have enveloped the Near and Far East and all of South America. We might have been forced into a confrontation from which we could not withdraw. It might have left us badly defeated.

These speculations are frightening to consider. They were possibilities which we did not have to face.

Fortunately for the United States—fortunately for the peace of the Free World—the United States was the first nation to develop the atomic bomb and subsequently the hydrogen bomb.

But times have changed since those days when the United States was the sole possessor of nuclear weapons. In the past twenty years other nations have unlocked the secrets of the tremendous forces of the atom and have developed independent nuclear weapon capability. In 1949 the Soviet Union achieved the bomb; then in 1952 the United Kingdom—next came the French in 1960 and then on October 16, 1964 Communist China became the fifth member of the club.

The future has its own fear. In the next ten or twenty years many more nations may have stockpiled these weapons of mass destruction. They will have the power to precipitate nuclear war.

Times will continue to change in the future and we must be prepared to modify our thinking with changes in time. As President Johnson expressed it in his State of the Union Message:

"We must change to master change."

Let there be no doubt as more nations obtain nuclear weapons the greater the chances of a nuclear war. Prevention of nuclear war is the great challenge of our time. The destructive forces that would be unleashed in an all-out nuclear war are beyond the human mind to comprehend.

In 1959 the Joint Committee on Atomic Energy held detailed hearings on "The Biological and Environmental Effects of Nuclear War." In an introduction to a report issued by the Committee, summarizing those hearings, the Committee pointed out the terrifying threat that now faces our Nation by stating:

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"For the first time in history American communities have become a part of the main battlefield of a possible future war. Only on a few occasions in the past have American homes and civilians been endangered by armed conflict, and never has there been a threat of wholesale destruction and loss of life such as that now posed by a powerful and ruthless adversary armed with nuclear weapons."

Nearly seven years ago, the Committee considered what would be the effect of a war involving the detonations of approximately 4,000 megatons, of which approximately 1,500 megatons were detonated on 224 targets within the United States.

Expert testimony and supporting scientific data estimated that such an attack would cost the lives of approximately 50,000,000 Americans with some 20,000,000 others sustaining serious injuries. Over one-fourth of all buildings in the United States would have been completely destroyed and approximately one-fourth more badly damaged.

It is difficult to imagine such carnage and such destruction. But mind you, those were figures developed nearly seven years ago. Compared with the number of total nuclear weapons currently in the stockpiles of the United States and the Soviet Union, these figures today would be considered low.

President Kennedy in 1963 pointed out—"A full-scale nuclear exchange, lasting less than 60 minutes, with the weapons now in existence, could wipe out more than 300 million Americans, Europeans, and Russians, as well as untold numbers elsewhere." How can the mind comprehend such vast destruction—how can the mind conceive of such horrors?

Yet there are people today who talk about nuclear weapons in the megaton range without comprehension of what is involved.

Let us stop and consider. As I pointed out on the Floor of the Senate on September 17, 1963: One 20-megaton bomb has been calculated to be equivalent to the explosive force of TNT carried by a railroad train of freight cars stretching diagonally across the United States from New England to California.

The Hiroshima bomb—less than 20 kilotons—resulted in the death or injury of over 256,000 people and the destruction of an entire city! One 20-megaton weapon is more than one thousand times greater in force than the weapons that destroyed Hiroshima.

When we discuss or refer to a 20-megaton—a 60-megaton—or a 100-megaton weapon—let us realize what we are talking about. The total bombs and shells, the explosive forces employed by all combatants in World War II, is estimated to have been less than 3 megatons.

One weapon today, therefore, is significantly greater in destructive force than all the weapons exploded in World War II. It is difficult for the mind to contemplate the destructive forces that are available today in the nuclear stockpiles of the Soviet Union and the United States.

The challenge of our times is not how many more nuclear warheads we can produce or stockpile but rather how can we prevent their proliferation and how can we prevent their use.

The paradox of our times is that as we and the Soviet Union have developed larger stockpiles of nuclear weapons the relative defensive posture of both nations has diminished.

Throughout the years since Hiroshima we have made every effort to establish international control of nuclear weapons. The history is clear for all to see.

In 1946—under President Truman—we proposed to give up our atomic monopoly and share our knowledge with the rest of the world. In June of that year Bernard Baruch presented our plan to the Atomic Energy Control Commission of the United Nations. That Commission had been set up the previous

December by Anglo-American-Soviet agreement.

A suspicious and secretive Soviet would not accept international inspection. After two years—acknowledging the impasse—the Commission ceased to exist.

In 1953 President Eisenhower offered his "Atoms for Peace." He would create an international organization with a policy of controlled nuclear assistance for peaceful projects on a world wide scale.

We are told that his address to the United Nations was written and rewritten 33 times in its preparation.

So—let us have patience—and caution in our consideration of our proposals.

Let us even have optimism. Because we remember that even after the dark hour of the Cuban crisis President Kennedy did achieve the Test Ban Treaty.

Mr. President, I ask unanimous consent to place in the record at the conclusion of my remarks a chronology (See Appendix) setting forth significant events in the development of atomic energy and attempts to control the testing and use of nuclear weapons.

This chronology was prepared by the staff of the Joint Committee on Atomic Energy and summarizes the long history of efforts by our Nation to reach agreement in the control of nuclear weapons and in the discontinuance of nuclear weapon testing.

We have not succeeded in reaching agreement on most of the points in issue. We have, of course, reached agreement and signed a limited Test Ban Treaty prohibiting atmospheric, underwater, and outer space nuclear tests. However, in those areas where assurance of compliance would require onsite inspection, we have not succeeded in obtaining agreement with the Soviet Union.

We must nevertheless continue our efforts to reach agreement and not become discouraged to the point where we abandon negotiations or foreclose future discussions. Our goal is too important—the alternative too frightening.

In the meantime while we continue to seek workable solutions to the nuclear arms race—while we continue to explore methods of arms control and disarmament among the nuclear powers, we must bend every effort to discouraging additional nations from joining the nuclear weapons club. The problems we face in seeking agreements among the existing nuclear powers, difficult as they have been, will be greatly magnified as additional nations become possessors of nuclear weapons. If we are ever to succeed in securing workable agreements for nuclear weapons arms control and disarmament we must, first, succeed in obtaining workable agreements for non-proliferation.

On August 17, 1965, the United States Delegate to the Geneva Disarmament Conference, Mr. William C. Foster, presented to the Conference a proposed non-proliferation treaty to prevent the spread of nuclear weapons. This treaty was the product of close collaboration among a number of our allies, including Canada, Italy and the United Kingdom.

Under this proposed treaty, countries having nuclear weapons would be obligated not to transfer nuclear weapons into the national control of nations not having nuclear weapons and would agree not to assist any such country in their manufacture. They would also agree not to take any other action that would increase the number of countries in the world that would have independent power to use nuclear weapons.

In addition, the proposed treaty would impose obligations upon countries not now having nuclear weapons. First, these countries would agree not to seek or obtain national control of nuclear weapons directly or indirectly. In addition, they would agree not to manufacture or obtain assistance in the manufacture of nuclear weapons. They would also agree not to take any action which might cause an increase in the number of in-

dependent nuclear powers in the world. All parties to the treaty would undertake to cooperate in facilitating the application of peaceful nuclear activities within the framework of the International Atomic Energy Agency.

There are many who did not think it possible for the United States to reach agreement with the Soviet Union on a limited nuclear test ban—but we did. That was a first step. A treaty designed to prevent the spread of nuclear weapons could be another step. I believe it would be a most important step.

To date, the Soviet Union has not been willing to agree to the provisions of this treaty and it remains tabled at the Geneva Conference. I am hopeful, when the Conference resumes this month on January 27th, that some headway may be made in reaching agreement and that the coming year will see a non-proliferation treaty agreed to by the many nations of the world.

I would recommend, however, that any agreement the United States may reach with our allies and the Soviet Union in the non-proliferation of weapons will include a provision that the nuclear powers will not transfer fissionable material or equipment to other nations for civilian purposes unless the recipient nations are willing to place the material and equipment under International Atomic Energy Agency or similar international safeguards inspection. Similarly, I would recommend that any such agreement would be joined by all the non-nuclear powers of the world and they, in turn, would agree not to seek or obtain nuclear equipment or material except under International Atomic Energy Agency or similar international safeguards.

I am most concerned that the proposed treaty as now written does not contain such provisions. Instead in Article III the Treaty as now written would merely require:

"Each of the States Party to this Treaty undertakes to cooperate in facilitating the application of International Atomic Energy Agency or equivalent international safeguards on all peaceful nuclear activities."

I would not accept that non-committal phrasing. If we really believe—and I know that we do—that the application of international controls are necessary and we intend to support international safeguards—let us say so. I strongly recommend that when our delegation returns to Geneva on January 27 it be given specific instructions to amend Article III of the proposed treaty and substitute the following or similar language:

"1. Each of the non-nuclear states party to this treaty undertakes to accept International Atomic Energy Agency or similar international safeguards on all of their nuclear activities."

"2. Each of the states party to this treaty undertakes to provide source or fissionable material, or specialized equipment or non-nuclear material for the processing or use of source or fissionable material or for the production of fissionable material, to other states for peaceful purposes only if such material and equipment will be subject to International Atomic Energy Agency or similar international safeguards."

We should make every effort to convince our allies and other nations of the world of the importance of supporting International Atomic Energy Agency safeguards. As past chairman and long-time member of the Joint Committee on Atomic Energy, I have closely followed and supported the International Atomic Energy Agency and particularly the established safeguards system whereby inspectors of the Agency verify that equipment and fissionable materials are not being converted from civilian to military purposes.

I well remember the day when President Eisenhower appeared before the General Assembly of the United Nations on December 8, 1953 and proposed the establishment of an International Atomic Energy Agency and

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when in his words he pledged the United States: "... to help solve the fearful atomic dilemma—to devote its entire heart and mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life."

In 1955 I was appointed a delegate to the General Assembly of United Nations by President Eisenhower and I helped in the drafting of the United States resolution which sponsored the International Atomic Energy Agency. I have seen it grow from what was merely an idea in the minds of a few to what it is today—an important organization with a membership of 94 nations. It has been growing these past ten years and it includes nations behind the Iron Curtain as well as those of the free world. The United States and Soviet Union have permanent membership on the Board of Governors.

In 1960 an international inspection system was approved by the Board of Governors and adopted by the General Conference of the IAEA. At first this system was limited to the control of fissionable material and equipment of small research-type reactors of less than 100 thermal megawatts. Significant advancement has been made however this past year. The IAEA formally extended its system to include reactors larger than 100 thermal megawatts. Although the Soviet Union originally did not support the safeguards system for the last several years, it has voted for the more enlarged safeguards system.

As the United States has made significant advancements in developing civilian nuclear power and other civil uses of atomic energy, we have been willing to share our advancements with the rest of the world. In furtherance of our Atoms for Peace Program the United States has entered into civilian agreements for cooperation with 48 countries as well as with the International Atomic Energy Agency and Euratom. A standard provision of our bilateral agreements requires that all material and equipment which we furnish for civil uses be subject to inspection.

Originally our bilaterals provided for United States inspection. However, since 1963 it has been our policy as these bilaterals come up for amendment or renewal to substitute IAEA inspection. To date, 13 countries have agreed to International Atomic Energy Agency inspection of equipment or material which we supply for civilian purposes.

Eight of these agreements are now in effect. These are: Austria, China, Japan, The Philippines, Portugal, South Africa, Thailand and Vietnam. Five additional agreements have been signed but are not yet in effect. These are: Argentina, Greece, Israel, Iran and Norway.

What we are interested in accomplishing, of course, is to assure that fissionable weapons-grade material will not be diverted from peaceful to military uses and that the civilian nuclear programs of various nations will not become the stepping-stones from which they will develop nuclear weapon capability. Fissionable weapons-grade material consists of either uranium, highly enriched in the isotope U-235, or plutonium—a man-made element which is a byproduct of a nuclear reactor.

The slightly enriched uranium which the United States makes available both here and abroad for civilian purposes and which is what normally is used in civilian reactors is not weapon-grade material. However, after it has been placed in a civilian reactor and that reactor begins operation, plutonium begins to be produced. When the highly radioactive fuel elements subsequently are removed for reprocessing they contain plutonium as well as unused uranium.

Access to the reactor and the records of the reactor, as well as the right to on-site inspection of the facility and fuel elements by an International Atomic Energy Agency inspection team, assure that the material is being used for peaceful purposes and that

the material and equipment is not being diverted to other uses.

However, before the plutonium can be used in weapons it must be separated from the uranium in the fuel elements through chemical reprocessing. This is necessary before the plutonium can be used in weapons. The plutonium produced by civilian nuclear plants as a byproduct must be safeguarded if we hope to keep additional nations from developing their own weapons. It is important, therefore, that plants where plutonium is separated from the irradiated fuel elements be subject to international inspection.

Other than those nations that now possess nuclear weapons, only one country in the world today is known to have an operating chemical reprocessing plant. This past year India began operation of such a plant and presently is recovering plutonium from irradiated fuel elements. However, additional nations and groups of nations are presently constructing or planning to construct chemical reprocessing facilities. And I repeat—it is important, therefore, that chemical reprocessing plants be subject to inspection.

For example Japan has contracted for detailed design of such a plant and although construction as yet has not begun, plans to have such a facility in operation in 1970 are underway. West Germany is actively considering the construction of such a plant and in Italy a specialized pilot plant is now under construction and an additional plant is being considered.

Of particular importance is the Eurochemic plant located at Mol, Belgium, which has been under construction since 1959 under the auspices of the Organization for Economic Cooperation and Development. When completed, this plant will be internationally owned and operated.

None of these plants presently are under or scheduled to be placed under International Atomic Energy Agency safeguards. The Eurochemic plant however is under Euratom safeguards and inspectors from the six member nations—France, West Germany, the Netherlands, Luxembourg, Belgium, and Italy—will assure that the fissionable material separated at this plant will not be diverted to military uses.

There has been some criticism that Euratom as an organization has not to date placed any of its facilities within the International Atomic Energy Agency's safeguards system. It does, however, within the six nation organization have an international inspection system, which on a technical level, has been cooperating with the International Atomic Energy Agency system.

Within the United States the first privately-owned plutonium separation facility will begin operation within the next several months. This facility will be operated by Nuclear Fuel Services, Inc. at the Western New York Nuclear Services Center near Buffalo, New York, and will recover uranium and plutonium from spent fuel elements coming from our rapidly growing electric power industry.

I believe it is of utmost importance to bring chemical reprocessing facilities under international inspection as soon as possible. Today only a limited number are in operation. Within the next decade, many more will come into operation. It is important to set a precedent and to obtain acceptance of international inspection of these facilities. If we wait too long it may be impossible to accomplish.

Accordingly, I make the following recommendations:

(1) The United States offer to place the Nuclear Fuel Services' chemical reprocessing facility under the International Atomic Energy Agency safeguards system;

(2) The United States propose that India place its chemical reprocessing plant within the International Atomic Energy Agency safeguards system;

(3) The United States propose that as other nations establish facilities for reprocessing civilian nuclear fuel, these facilities be subject to IAEA inspection; and

(4) Euratom explore the possibility of greater cooperation and coordination with IAEA. In this connection, it would be desirable, I believe, if Euratom were accepted for membership in the IAEA.

I have asked the Atomic Energy Commission to examine the possibility of having a reprocessing facility owned and operated by a private company placed under international inspection in order to see if there are any technical or legal problems. I have had the staff of the Joint Committee on Atomic Energy informally discuss this matter with officials of the Nuclear Fuel Services and have been assured of their willingness to place their facility under international inspection.

If the above recommendations are adopted and paragraph 3 of the draft treaty on non-proliferation is strengthened I believe our chances for success in non-proliferation will be increased. However, we must search for additional ways of discouraging non-nuclear nations from becoming nuclear powers. We must explore ways in which those nations who voluntarily deny themselves nuclear weapons are not subject to nuclear blackmail by those that possess these weapons. Together with other nuclear nations including the USSR we should explore possible arrangements whereby those nations who place themselves under the International Atomic Energy Agency safeguards system and who do not develop nuclear weapon capability will be assisted in the event they are subject to nuclear intimidation by others.

Also, those nations which cooperate with the United States in the non-proliferation of nuclear weapons and who are technically ready, the United States should give assistance in developing their civilian nuclear capabilities.

On the other hand, we should be less willing to be of assistance in the civil uses of atomic energy to those non-nuclear nations who are not willing to sign a non-proliferation treaty or place all their civilian facilities under international inspection.

As I conclude, I fully realize that the name of China has been largely missing from my remarks—but not from my concern. For surely we cannot rule out Peking from any discussions on world disarmament. No disarmament agreement will have real effect unless it is universal in scope—and non-proliferation is only a stepping-stone to such an agreement. Not that we haven't made approaches to Peking in the past. We have had more than 100 talks with Peking on serious subjects. Our Warsaw talks as late as last December did not accomplish much—and future talks may well be as fruitless.

But we must not stop trying. We must not stop inviting. Let China on her own demand impossible conditions. Let China on her own stay away and let the sting of world opinion be on her and not on us.

What I am talking about today is the survival of mankind—all mankind. This means Chinese, Russian, American and, indeed, all the peoples of the world.

Nations do not have to love one another in order to live in the same world with one another and no nation—not even China—can afford to retreat from the road to reason if they and we are to live at all.

Nations can keep their individual sovereignty—they can pursue a rational national purpose—and yet participate in international undertakings for food and health and economic help.

It would not serve any purpose for China—any more than for the rest of us—to promote a world toward health and happiness—the well-being of their own people too—and yet hold over its people the shadow of atomic extinction.

So wherever there is a disarmament conference—wherever peace is the topic—let

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China be invited to come. I commend the United Nations for its bold resolution for a World Disarmament Conference to which all nations would be invited. I am sure that that does not mean only members of the United Nations. I am sure it is broad enough to include China as well. That would all be for the best and I trust that Ambassador Goldberg means to see that China gets the challenge.

Let every disarmament conference hold an open door for all nations be it 100 or 18 nations—whether it is planned for 1967 or for January 27. Let us catch a second breath in our efforts of twenty years.

Let us have some of the pioneering enthusiasm of Bernard Baruch—let us have some of the initiative of President Eisenhower—let us have some of the impetus of President Kennedy—and let us have some of the dedicated drive of President Johnson.

We shall subscribe to the five principles of policy that have lifted us above the woes and wars of this generation—though today we address ourselves particularly to only the first two.

Building upon the strength that fortifies our commitments as a nation devoted to peace—we shall work for those nuclear controls that command our conscience—and our consciousness of national security.

We will have in mind an old formula we learned one cold January day on this Capitol Hill:

"We shall never negotiate through fear—but we shall never fear to negotiate."

APPENDIX—SIGNIFICANT DATES IN ATOMIC WEAPONS DEVELOPMENT AND SUBSEQUENT TEST BAN AND NONPROLIFERATION NEGOTIATIONS

DATES OF CERTAIN NUCLEAR WEAPONS EXPLOSIONS

July 16, 1945: First U.S. nuclear device test, Alamogordo, N. Mex.
August 6, 1945: First atomic bomb dropped on Hiroshima.
August 9, 1945: Second atomic bomb dropped on Nagasaki.
August 29, 1949: First Soviet atomic test.
October 3, 1952: First nuclear bomb test by the United Kingdom.
November 1, 1952: Hydrogen device fired at Eniwetok by United States.
August 21, 1953: First hydrogen device tested by U.S.S.R. detected by United States.
February 13, 1960: First French atomic test.

DATES OF NEGOTIATIONS ON DISCONTINUANCE OF NUCLEAR WEAPON TESTS

June 14, 1946: U.S. proposal for international control of atomic energy (Baruch plan).
June 19, 1946: U.S.S.R. proposed alternate plan including insistence on retention of Security Council veto power over any control system.

March 24, 1957: Bermuda declaration—joint declaration by the United States and the United Kingdom to conduct nuclear tests in such a manner as to keep world radiation from rising to more than a small fraction of the level that might be hazardous to continue to announce test series, also expressed willingness to announce tests to the U.N. and permit international observation if the U.S.S.R. would do the same.

November 14, 1957: General Assembly Resolution 1148 (XII): Regulation, limitation, and balanced reduction of all armed forces and all armaments; conclusion of an international convention (treaty) on the reduction of armaments and the prohibition of atomic, hydrogen, and other weapons of mass destruction. Among its provisions, this resolution urged the immediate suspension of testing of nuclear weapons with prompt installation of effective international control, including inspection posts equipped with appropriate scientific instruments lo-

cated in the United States, the Soviet Union, and the United Kingdom and at other points as required.

December 10, 1957: Soviet proposal that U.S.S.R., United States and United Kingdom discontinue all tests as of January 1, 1958.

March 31, 1958: Decree of the Supreme Soviet concerning the discontinuance of Soviet atomic and hydrogen weapons test.

April 28, 1958: President Eisenhower by letter to Khrushchev proposed that both nations have the technical experts start to work on the practical problems involved in disarmament, particularly working toward the suspension of nuclear testing. President Eisenhower stated: "I reemphasize that these studies are without prejudice to our respective positions on the timing and interdependence or various aspects of disarmament."

May 9, 1958: Letter from Khrushchev accepting Eisenhower's proposal of April 28 to have experts study the problems involved in an agreement on the cessation of atomic and hydrogen weapons tests as far as inspection and control are concerned.

July 1, 1958: Conference of Experts from the West (United States, United Kingdom, Canada, and France) and East (U.S.S.R., Czechoslovakia, Poland, and Rumania) met in Geneva.

August 21, 1958: Conference of Experts adopted a final report for consideration by Governments. Conference of Experts recommended the so-called "Geneva System" of detecting nuclear explosions. This system recommended a network of 180 control points. It should be noted that the American representatives, during this conference, had taken the position that 650 control points would be necessary to have adequate protection down to 1 kiloton. Through compromise with the Soviets, they settled on the 180 stations, but then had to point out the weakness between the area of 1 kiloton and 5 kilotons.

August 22, 1958: President Eisenhower announced that based on the Conference of Experts' report, the United States was prepared to negotiate an agreement with other nations which have tested nuclear weapons for suspension of nuclear weapons tests and the establishment of an international control system.

The President also indicated that the United States would withhold further testing on its part of atomic and hydrogen weapons for a period of 1 year from the beginning of the negotiations unless testing is resumed by the Soviet Union.

October 31, 1958: First meeting in Geneva of the Conference on the Discontinuance of Nuclear Weapons Tests.

November 4, 1958: General Assembly Resolution 1252 (XIII): The discontinuance of atomic and hydrogen weapons tests. Among its provisions, this resolution urged the parties involved in the test-ban negotiations not to undertake further testing of nuclear weapons while these negotiations are in progress. It expressed the hope that the Geneva Test-Ban Conference would be successful and lead to an agreement acceptable to all. It also requested the parties concerned to report to the General Assembly the agreement that might be the result of their negotiations; and requested the Secretary General to render such assistance and provide such services as might be asked for by the conference commencing at Geneva on October 31, 1958.

November 7, 1958: President Eisenhower announced that the United States had detected additional tests by the Soviets subsequent to October 31, 1958.

December 28, 1958: The President appointed a panel on seismic improvement to review technical problems and to recommend methods of improving seismic detection.

January 5, 1959: United States released data showing many underground tests could not be detected by Geneva experts system

recommended in 1958. Indicated Geneva system applicable at 20 kiloton rather than 5 kiloton threshold.

February 22, 1959 to March 2, 1959: Macmillan meeting with Khrushchev. During this meeting Macmillan and Khrushchev discussed the establishment of quotas for numbers of onsite inspections in countries where suspicious events have taken place.

April 13, 1959: United States proposed phased testing ban limited in first phase to atmospheric tests below 50 kilometers, with simplified control system, if Soviet Union continued to insist on veto for onsite inspections.

April 23, 1959: Soviets reject U.S. proposal to stop only atmospheric tests and said numerous onsite inspections would not be necessary for complete ban.

June 22, 1959 to July 10, 1959: Technical Working Group No. 1 met in Geneva to study high-altitude detection problems. On July 10 Geneva Technical Working Group I proposed establishment of system of earth satellites and installation of additional equipment at control posts to detect high-altitude explosions.

August 26, 1959: United States extended unilateral suspension to end of 1959.

August 27, 1959: United Kingdom said it would not resume tests as long as Geneva negotiations showed prospect of success.

August 28, 1959: U.S.S.R. pledged not to resume testing unless Western Powers did so.

November 21, 1959: General Assembly Resolution 1402 (XIV): Suspension of nuclear and thermonuclear tests. Among its provisions this resolution expressed the hope that the countries involved in the test-ban negotiations at Geneva would intensify their efforts to reach an agreement at an early date; it further urged the countries concerned in these negotiations to continue their voluntary ban on testing nuclear weapons; it also requested the countries concerned to report to the General Assembly the results of their negotiations.

November 25, 1959: Technical Working Group II met in Geneva with the Soviets and the British. This group met to consider data from the Hardack series of nuclear explosions and the findings of the Berkner Panel. On December 18, 1959, at the conclusion of the meetings held by Technical Working Group II, U.S. members of Geneva Technical Working Group II reported that a large number of seismic events could not be identified without on-site inspection, even with improved techniques. The Soviet members of Geneva Technical Working Group II disagreed with U.S. finding.

December 29, 1959: United States said it was free to resume testing after end of 1959 but would not do so without giving advance notice.

February 11, 1960: United States proposed phased agreement, first phase to provide for cessation of tests in atmosphere, oceans, and outer space, to greatest height that could be effectively controlled; underground tests above 4.75 seismic magnitude (estimated by United States to equal explosion of about 20 kilotons) would also be covered; the 4.75 threshold would be lowered as capabilities of detection system were improved, 20 or 30 percent of unidentified seismic events above threshold should be inspected. U.S. experts estimated that this would mean about 20 inspections per year in U.S.S.R.

March 19, 1960: Soviets offered to include treaty on cessation of tests, together with moratorium on underground tests below magnitude 4.75, and to agree to joint research program on understanding that weapons tests would be halted during program.

March 29, 1960: United States and United Kingdom said they would agree to voluntary moratorium on underground weapons tests below magnitude 4.75 after treaty was signed and arrangements were made for coordinated research program.

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December 20, 1960: General Assembly Resolution 1577 (KV): Suspension of nuclear and thermonuclear tests. This resolution urges the countries involved in the Geneva test-ban negotiations to seek a solution for the few remaining questions so that a test-ban agreement could be achieved at an early date; it further urges the countries concerned in these negotiations to continue their present voluntary suspension of the testing of nuclear weapons; it also requests the countries concerned to report the results of their negotiations to the Disarmament Commission and the General Assembly.

March 21, 1961: First meeting under the new administration of the Geneva Conference on Discontinuance of Nuclear Weapons Tests. U.S. proposal presented by Ambassador Arthur H. Dean, Soviet Union introduced its troika proposal on this date.

April 18, 1961: United States and United Kingdom introduced draft treaty to the Geneva Conference.

May 5, 1961: Statement by President Kennedy on the Geneva test-ban negotiations made at his news conference. Mention is made of the new United States and United Kingdom proposals and the introduction of the troika proposal by Russia.

June 4, 1961: Khrushchev delivers Soviet aide-memoire concerning disarmament and nuclear weapons tests to President Kennedy at Vienna. Insists the question of control hinges on Western Powers accepting proposals on general and complete disarmament.

June 6, 1961: Kennedy reports to American people on his Vienna talks with Khrushchev.

June 6, 1961: Khrushchev reports to Russian people on his talks with President Kennedy. (Tass report) topics covered: General and complete disarmament, banning of nuclear weapons, cessation of tests, question of control. Hammarskjöld, the German question (peace treaty).

June 17, 1961: U.S. aide-memoire to Soviet Russia concerning Geneva test-ban negotiations. Repeated new proposals offered by the United States and the United Kingdom on March 21, 1961.

June 28, 1961: President Kennedy announces appointment of Committee of Scientific Experts to advise him on test-ban problem.

July 5, 1961: Soviet note replying to U.S. note of June 17, 1961, concerning suspension of nuclear weapon tests. Says Soviet proposals have been distorted. Brings up again supervision of inspection and control by equal representatives of three basic groups: Socialist states, capitalist states in Western military bloc, and neutral states (troika).

July 15, 1961: U.S. note to Soviet Union referring to the Soviet note of July 5, 1961, on the Geneva test-ban negotiations. Says Soviet note contains a multitude of irrelevant and unwarranted comments. Confines its reply to the central issue: Is the Soviet Union prepared to reach an accord which would halt nuclear tests under effective international control?

July 15, 1961: United States and United Kingdom request to United Nations to place on the agenda of the 16th General Assembly an item entitled "The Urgent Need for a Treaty To Ban Nuclear Weapons Tests Under Effective International Control."

July 20, 1961: President announces membership of nuclear test study group.

August 10, 1961: President announces he has reviewed report of Scientific Committee and is sending Ambassador Dean back to Geneva.

August 30, 1961: Soviets announce plans to resume nuclear testing. Among the reasons cited by the Soviets for taking this step were the turn-down of the troika proposal, the nuclear tests carried out by the French beginning February 13, 1960, and the Berlin situation.

August 30, 1961: White House statement on the Soviet's announcement that they planned to resume nuclear testing. This statement expressed concern and resentment in regard to the Soviet decision to resume nuclear testing. It added that the Soviet decision presented a threat to the entire world. It denounced the Soviet pretext for resumption of weapons testing by mentioning that the Berlin crisis was created by the Soviets themselves. It also mentioned that the Soviet Union bears heavy responsibility before all humanity for this decision which was made in complete disregard of the United Nations. It concluded by announcing that Ambassador Arthur Dean was being recalled immediately from his post as chief negotiator at the nuclear test-ban meetings.

September 1, 1961–November 4, 1961: The Soviet Union conducted a series of approximately 50 atmospheric nuclear tests with a total yield of about 120 megatons. The tests were conducted at three different locations in the Soviet Union: Semipalatinsk, Novaya Zemlya, and east of Stalingrad. The series was highlighted by a 55–60 megaton detonation on October 31, 1961, despite a resolution adopted October 27, 1961, by the United Nations appealing to the U.S.S.R. to refrain from carrying out their stated intention to explode a device of this yield.

September 3, 1961: President Kennedy, in a joint statement with British Prime Minister Macmillan, proposed that the Soviet Union agree immediately to discontinuing testing nuclear weapons in the atmosphere. The note suggested that the United States, United Kingdom, and U.S.S.R. representatives meet in Geneva not later than September 9 to record the agreement to cease nuclear testing in the atmosphere and report it to the United Nations.

September 5, 1961: President Kennedy announced that the United States would resume nuclear testing. He ordered the tests carried out in the laboratory and underground "with no fallout." This decision was made after the Soviets set off their third nuclear test in the atmosphere in 5 days. President Kennedy, in referring to the Kennedy-Macmillan statement of September 3 on banning nuclear testing in the atmosphere, said the offer remains open until September 9, 1961.

September 15, 1961: The United States detonates its first underground nuclear device since the end of the test moratorium at the Nevada test site.

November 2, 1961: The President announces that the policy of the United States will be to proceed in developing nuclear weapons to maintain a superior capability for the defense of the free world against any aggressor. This statement indicated that the United States would make necessary preparations in case it becomes necessary to test in the atmosphere.

December 22, 1961: A joint communique was issued by President Kennedy and Prime Minister Macmillan following a 2-day meeting in Bermuda. They agreed that it was necessary "as a matter of prudent planning for the future, that pending the final decision [to resume atmospheric testing] preparations should be made for atmospheric testing to maintain the effectiveness of the deterrent."

January 29, 1962: Geneva Conference on the Discontinuance of Nuclear Weapons Tests breaks up at the 353d meeting. The United States proposed an adjournment, and Soviet negotiator Tsarapkin said, "This is the end."

February 7, 1962: President Kennedy and British Prime Minister Macmillan said they have proposed to Soviet Premier Khrushchev that another "supreme effort" to halt the nuclear arms race be made by raising next month's 18-nation general disarmament conference to the foreign ministers' level.

February 14, 1962: President Kennedy urged Premier Khrushchev not to press his proposal for an 18-nation summit meeting on

disarmament. However, he assured the Soviet leader that he was ready to participate "at any stage of the conference when it appears that such participation could positively affect the chances of success."

February 21, 1962: Premier Khrushchev replied to President Kennedy's letter of February 14 still insisting on a summit conference on disarmament.

February 24, 1962: Letter from President Kennedy to Premier Khrushchev. President Kennedy replied to Premier Khrushchev's letter of February 21, 1962, stressing that heads-of-state participation at the Geneva Conference should be reserved until a later stage in the negotiations after preliminary agreements have been reached at the Foreign Ministers' level.

March 2, 1962: President Kennedy announced that he had ordered a resumption of nuclear tests in the atmosphere in late April unless the Soviet Union agrees before then to an "ironclad" treaty banning all tests. The President held out to Khrushchev the promise of a summit conference at which such a treaty could be signed, and also said that a satisfactory treaty would be offered by the West at the disarmament conference opening in Geneva on March 14, 1962.

March 4, 1962: The Soviet Government sent the United States a message delivered to the State Department advising that Foreign Minister Gromyko would go to Geneva. The Kremlin message was reported to have said that Khrushchev had "reluctantly" accepted the Foreign Minister proposal.

March 14, 1962: 17-nation disarmament conference opened in Geneva. (Originally 18-nation conference, but France did not attend).

March 15, 1962: The United States, during the Geneva Disarmament Conference, clearly indicated its willingness to drop the 4.75 threshold and to make the test ban treaty, from the outset, complete in its coverage by banning all tests in the atmosphere, outer space, underground, and in the oceans. The response of the Soviet Union to this proposal indicated an unwillingness on their part to accept a treaty with or without the U.S. proposed amendment.

March 16, 1962: Premier Khrushchev announced that Soviet scientists had developed a "global rocket" invulnerable to antimissile weapons and that it rendered obsolete the early warning system of the United States.

April 10, 1962: The White House released a joint United States–United Kingdom statement on nuclear testing appealing to the Soviet Union to agree to a nuclear test ban with adequate safeguards including the principle of international verification. This statement indicated that if such an agreement was not successful then the test series scheduled by the United States for the latter part of April would go forward.

April 10, 1962: Prime Minister Macmillan added a personal message to the joint Anglo-American note to Premier Khrushchev on a nuclear test ban asking him to accept an inspection procedure and "fill all the peoples of the world with a new sense of hope."

April 12, 1962: Premier Khrushchev rejects the Kennedy-Macmillan joint statement on nuclear testing.

April 16, 1962: Eight neutral nations appealed to the nuclear powers to persist in their efforts to reach agreement on prohibiting nuclear weapons testing for all time. They suggested establishing a system for continuous observation and control on a scientific and nonpolitical basis, built on existing national network of observation posts.

April 18, 1962: United States offered a three-stage plan for disarmament, having as its goals general and complete disarmament and gradual replacement of the armed power of single nations by a strengthened United Nations. The disarming process would be balanced to prevent any state from gaining a military advantage, and compliance

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with all obligations would be effectively verified.

April 22, 1962: Joint Committee on Atomic Energy in summary-analysis of 1961 Vela hearing, reports that nearly 3 years of research had brought no material progress toward an effective method of detecting clandestine underground tests.

April 25, 1962: First 1962 U.S. nuclear test in the atmosphere. This test was of an intermediate yield from a plane near Christmas Island. The President approved the resumption on nuclear testing after repeated unsuccessful attempts by the United States to get the U.S.S.R. to agree to a nuclear test ban treaty with adequate safeguards.

April 26, 1962: Secretary of State Rusk justified the new series of tests on the basis of refusal of the Soviet Union to accept the kind of international verification necessary for a test-ban agreement. The Secretary of State referred to President Kennedy's address of March 2 in which he set forth the reasons why a certain number of tests would be necessary in the absence of an international agreement banning nuclear tests with adequate assurances; and, secondly, that it is a major objective of American policy to bring an end to testing immediately and permanently when we were assured that testing had been abolished.

May 1, 1962: France conducts underground explosion of nuclear device in Algerian Sahara.

May 2, 1962: Disarmament talks were resumed at Geneva. British Minister of State Joseph Godber said U.S.S.R. must change its attitude toward verification measures if the world is to have general and complete disarmament.

May 16, 1962: Premier Khrushchev confirmed U.S.S.R. determination to test. He based his decision on the fact that the United States had resumed testing in the Pacific.

June 14, 1962: The Eighteen Nation Disarmament Conference¹ recesses.

July 12, 1962: Secretary of State Dean Rusk reports that the preliminary Vela results, released by the Defense Department on July 7, offer some promising signs for detecting and identifying nuclear tests but emphasized the new findings cannot be considered a substitute for control posts or on-site inspections.

July 13, 1962: Soviet Union served official notice that it claims the right to be the last nation to carry out nuclear weapon tests.

July 16, 1962: The 18 Nation Disarmament Conference reconvenes in Geneva. The United States proposes discussion of scientific findings, particularly from Project Vela.

July 21, 1962: The Soviet Government announces its decision to resume nuclear tests.

August 1, 1962: President Kennedy stated at his news conference that on the basis of recent technical assessments, the United States can work toward an internationally supervised system of detection and verification for underground testing which will be simpler and more economical than the system which was contained in the treaty which we tabled in Geneva in April 1961. He emphasized that these new assessments do not affect the requirement that any system must include provision for on-site inspection of unidentified underground events.

August 5, 1962: The Soviet Union detonates a nuclear explosion in the atmosphere in the order of magnitude of 30 megatons. This is the first of some 40 tests, continuing until December 25.

August 8, 1962: U.S. Delegate Dean proposed reducing the number of control posts to something like 80—a reduction of more

than half. He offered this concession in view of his contention that detecting devices have gone ahead rapidly. Thus, our techniques for detecting sneak tests are much better.

August 9, 1962: Ambassador Dean formally introduces a new proposal for a comprehensive test-ban treaty based on a worldwide network of internationally supervised, nationally manned control posts. Provided the Soviets agree to the principle of obligatory on-site inspection, the numbers of control posts and on-site inspections would be substantially reduced from previous U.S. proposals. Ambassador Zorin immediately rejects the new proposal.

August 20, 1962: The U.S.S.R. rejected proposals for a partial nuclear test-ban treaty. The idea of a half-way treaty was advanced by Brazil, Sweden, and Italy. The proposed treaty would stop atmospheric tests immediately to ease fallout dangers.

August 27, 1962: The United States and Great Britain offered the Soviet Union the choice of an internationally inspected total ban on nuclear weapons tests or an uninspected limited ban. The limited ban would cover tests in the atmosphere, in space and underwater pending further negotiations for a treaty to include underground tests, the most difficult to identify.

August 29, 1962: The U.S.S.R. submitted to the disarmament conference a formula for halting nuclear weapons tests that the United States and Britain have repeatedly termed unacceptable because of inadequate guarantees and safeguards for inspection of suspicious events.

August 29, 1962: President Kennedy welcomed a Soviet proposal that all nuclear testing cease by January 1. But he reiterated the western position that an enforceable treaty, complete with inspection provisions, be signed first.

September 7, 1962: The 18-Nation Disarmament Conference recesses, but the Test Ban Subcommittee remains in session.

October 24, 1962: At the United Nations, Brazil proposes denuclearization of Latin America and Africa which would include a ban on nuclear weapon tests in these continents.

November 4, 1962: President Kennedy announces the end of the current series of atmospheric nuclear tests, but states that underground tests will be continued in Nevada. The last atmospheric detonation was November 4, 1962.

November 6, 1962: The General Assembly adopts a two-part resolution on nuclear tests. Part (A), sponsored by 37 powers and approved by a vote of 75 to 0 with 21 abstentions, calls for the cessation of testing by January 1, 1963, and an interim arrangement with certain assurances if no final agreement is achieved by that date. Part (B), sponsored by the United States and the United Kingdom and approved by a vote of 51 to 10 with 40 abstentions, urges the early conclusion of a comprehensive test ban treaty with effective international verification. The United States and the U.S.S.R. abstain on part (A), and the U.S.S.R. opposes part (B).

November 13, 1962: At Geneva, Ambassador Tsarapkin suggests that unmanned seismic stations be employed as an addition to existing national detecting stations to monitor a test ban.

November 26, 1962: The 18-Nation Disarmament Conference reconvenes for the third session.

November 28, 1962: In an attempt to end the deadlock at Geneva, Swedish Delegate Rolf Edberg proposed a moratorium on all nuclear tests while an international group of scientists works out underground control methods satisfactory to both the West and the Soviet Union.

December 3, 1962: The U.S.S.R. rejected the proposal for setting up a nuclear test ban put forth by the Indian-Swedish delegations.

December 4, 1962: The Soviet Union told

the United States and Great Britain that as long as they insisted on on-site inspection there would "never be any agreement" to end nuclear testing. Joseph B. Godber of Britain declared the dismissal of the neutralist efforts to break the test ban stalemate was "not the action of a responsible government."

December 4, 1962: Arthur H. Dean told the Soviet Union that unmanned seismic stations—the so-called "black boxes"—cannot serve as a sole guardian of a nuclear test ban.

December 10, 1962: In the 18-Nation Disarmament Conference, Ambassador Tsarapkin formally proposes the establishment of two or three unmanned seismic stations on the territories of states possessing nuclear weapons. Locations by zones for those to be placed in the Soviet Union are named. This proposal is conditioned on the abandonment by the West of its insistence on international control and obligatory on-site inspection.

December 19, 1962: Premier Khrushchev, in a letter to President Kennedy, states that the Soviet Union is now prepared to accept two or three on-site inspections per year on Soviet territory. In addition, he says there could be three unmanned seismic stations on Soviet territory. The final location of the stations is left open.

December 20, 1962: The 18-Nation Disarmament Conference recesses.

December 23, 1962: President Kennedy, in reply to Premier Khrushchev, indicates encouragement that the Soviets have now accepted the principle of on-site inspection, but states that the figure of "two or three" on-site inspections is not sufficient, nor are three unmanned seismic stations. He denies that the United States offered to agree on three inspections. The United States has reduced number of on-site inspections to 8 to 10.

January 4, 1963: Arthur H. Dean announced that he had submitted his resignation on December 27, 1962, as Chief U.S. negotiator at the Disarmament Conference at Geneva.

January 7, 1963: In a letter to President Kennedy, in further exchange on the subject of on-site inspection, Premier Khrushchev holds to his contention that an annual quota of two or three inspections is sufficient. He emphasizes that he considers agreement in principle a great unilateral concession, and he agrees to further discussion on the questions between United States and U.S.S.R. representatives.

January 14, 1963: United States and Soviet representatives meet in New York. The United States is represented by William C. Foster, Director of the U.S. Arms Control and Disarmament Agency; and the U.S.S.R. is represented by N. T. Fedorenko, Soviet Ambassador to the U.N. and S. K. Tsarapkin, chairman of the Soviet delegation to the 18-Nation Disarmament Conference. Discussions continue in New York until January 22 when they are moved to Washington.

January 26, 1963: President Kennedy orders that preparations for underground testing in Nevada be suspended in the hope that the Western-Soviet discussions presently taking place in New York and Washington would materially enhance the prospects for an effective agreement on a test ban.

February 1, 1963: The New York and Washington, D.C., discussions on a test ban are slated to be taken up at the 18-Nation Disarmament Conference scheduled to be resumed on February 12. In a press conference, Secretary of State Rusk expressed the disappointment of the United States that the position of the Soviet Union appeared to have hardened into a "take-it-or-leave-it" attitude on their offer for two or three on-site inspections per year. The Secretary states, " * * * the idea of on-site inspection is not simply a political question involving the acceptance of on-site inspection in principle, but is the practical problem of establishing arrangements which in fact do provide as-

¹ Eighteen Nation Disarmament Conference now composed of 17 nations. France, an original member, withdrew at the beginning of the Conference.

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surance that agreements are being complied with."

February 1, 1963: President Kennedy orders resumption of the preparations for underground testing in Nevada.

February 8, 1963: The scheduled series of underground tests is begun in Nevada.

February 12, 1963: The 18-Nation Disarmament Conference reconvenes at Geneva.

February 22, 1963: The ACDA announces in Washington that the United States is willing to consider possible acceptance of seven on-site inspections, providing the modalities of inspection can be agreed upon.

February 28, 1963: In a Moscow election meeting speech, Premier Khrushchev reaffirms his refusal to consider anything but three on-site inspections per year.

April 1, 1963: The United States and United Kingdom delegations table a memorandum of position concerning the cessation of nuclear weapon tests. This memorandum sums up the Western position on general principles of agreement, on-site inspection and automatic seismic station arrangements, and includes specific proposals submitted to date.

Aug. 5, 1963: Limited test ban treaty is signed in Moscow.

Aug. 31, 1963: "Hotline" teletype system between Washington and Moscow becomes operational.

Oct. 7, 1963: President, with the advice and consent of the Senate, signs the Limited Test Ban Treaty.

Oct. 10, 1963: The Limited Test Ban Treaty enters into force.

Dec. 31, 1963: Premier Khrushchev calls on all states to conclude an international agreement "for the renunciation by the states of the use of force for the settlement of territorial disputes and boundary questions."

Jan. 8, 1964: In his State of the Union message, President Johnson announces that U.S. production of enriched uranium will be reduced by 25 percent and that the Atomic Energy Commission will close down 4 of its 14 reactors producing plutonium for weapons. The President calls on the Soviet Union to take similar steps.

Jan. 18, 1964: President Johnson, in his reply to Premier Khrushchev's letter of December 31, 1963, appeals to the Soviet Union to support concrete steps to strengthen peace, by urging that both nations present new proposals at Geneva on the prevention of the spread of nuclear weapons, cessation of the production of fissionable materials for weapons uses, the transfer of large amounts of fissionable materials to peaceful uses, the prohibition of all nuclear tests, limitations on nuclear weapons systems, reduction of the risk of war by accident or design, and progress toward general disarmament.

Jan. 21, 1964: The Eighteen Nation Disarmament Committee (ENDC) reconvenes in Geneva.

In a message to the ENDC, President Johnson submitted proposals designed to: prohibit the use of force, achieve a verified freeze of nuclear delivery vehicles, achieve a verified agreement on the cessation of the production of fissionable material for weapons, reduce the danger of accidental war and surprise attack, and halt the spread of atomic weapons.

Apr. 20, 1964: President Johnson announces that he has ordered "a further substantial reduction" in the production of enriched uranium. Combined with the reduction announced last January, the overall reduction in the production of enriched uranium will be 40 percent over a four year period.

Premier Khrushchev announces discontinuance of the construction of two new reactors for the production of plutonium and that the production of uranium-235 would be substantially reduced over the next several years. (On November 24, 1965, in response to inquiries regarding Premier Khrushchev's statement of April 20, 1964, the AEC stated "there is no evidence to confirm that the Soviets have indeed done what they stated they would do.")

Apr. 21, 1964: Prime Minister Douglas-Home announces that U.K. production of military plutonium will gradually be terminated.

Apr. 28, 1964: The ENDC recesses.

June 9, 1964: The ENDC reconvenes.

June 11, 1964: The IAEA Board of Governors approves an agreement between the United States and the Agency whereby four U.S. reactors will be placed under Agency safeguards against diversion to non-peaceful ends.

June 25, 1964: At the ENDC, the United States presents a plan to provide verification for a cutoff in the production of fissionable materials for weapons.

Aug. 27, 1964: At the ENDC the Indian representative states that under no circumstances will this country use its nuclear capabilities for non-peaceful purposes.

Sept. 17, 1964: The ENDC adjourns.

Oct. 16, 1964: Communist China explodes its first atom bomb.

Oct. 24, 1964: The Chairman of India's Atomic Energy Commission states that India might be compelled to manufacture nuclear weapons unless some important and tangible steps are made toward general disarmament.

Nov. 1, 1964: The White House announces that former Deputy Secretary of Defense Roswell L. Gilpatric has been appointed by the President to head a special panel to study ways and means of preventing the spread of nuclear weapons.

Dec. 5, 1964: Following their Washington Conference, President Johnson and U.K. Prime Minister Wilson issued a communique in which they express agreement on the urgency of a world-wide effort to prevent the proliferation of nuclear weapons.

Dec. 30, 1964: In a New Year's greeting to Premier Kosygin, President Johnson expresses the hope that practical agreements can be reached soon in the area of arms control.

Jan. 19, 1965: AEC announces that the United States has detected venting from the Soviet underground test of January 15.

Jan. 26, 1965: In a statement before the House Foreign Affairs Committee, ACDA Director Foster states that the Soviet test of January 15 may have been a technical violation of the limited test ban treaty.

Feb. 15, 1965: AEC announces it will further reduce the rate of production of enriched uranium. The new reduction will be gradually carried out from 1966 to 1969.

May 14, 1965: Communist China explodes its second atomic bomb.

May 17, 1965: In the Disarmament Commission, ACDA Director Foster suggests a broad program of measures to halt the proliferation of nuclear weapons.

July 27, 1965: ENDC convenes at Geneva. In a message to the delegates, President Johnson states that the American delegation is instructed to seek "agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race;" "effective limitation of nuclear weapons and nuclear delivery systems. . .;" and a "truly comprehensive test-ban treaty."

Aug. 8, 1965: Pope Paul VI urges mankind to renounce forever use of atomic weapons and prays that men will "no longer place their trust, their calculations, and their prestige in such fatal and dishonoring weapons."

Aug. 17, 1965: At the ENDC, the United States presents a draft non-proliferation treaty.

Aug. 31, 1965: At the ENDC the Soviet Union rejects the U.S. draft non-proliferation treaty of August 17.

Sept. 16, 1965: The Conference of the Eighteen-Nation Committee on Disarmament

(ENDC) adjourns following the conclusion of its 234th plenary meeting.

Sept. 23, 1965: In a speech at the United Nations, Ambassador Goldberg stresses that the first priority towards the goal of general and complete disarmament "must be given to halting the spread of nuclear weapons. . ."

Sept. 24, 1965: Soviet draft treaty on non-proliferation presented to the Secretary General of the United Nations.

Oct. 17, 1965: William Foster, Director, Arms Control and Disarmament Agency, in a speech at the United Nations calls for the resumption of the ENDC at Geneva.

Nov. 25, 1965: At the United Nations 26 nations present a draft resolution on the "urgent need for suspension of nuclear and thermonuclear tests." This draft resolution was subsequently sponsored by 9 other nations.

Dec. 3, 1965: The 35-nation draft resolution of November 25, 1965 approved by the General Assembly by a vote of 92 to 1 with 14 abstentions. Albania votes against the resolution. The following countries abstain: Algeria, Bulgaria, Byelorussia, S.S.R., Congo, Cuba, Czechoslovakia, France, Guinea, Hungary, Mauritania, Mongolia, Poland, Ukrainian, S.S.R., and the Soviet Union.

Dec. 28, 1965: Ambassador-at-Large Averell Harriman leaves Washington to visit Eastern Europe on a peace mission for President Johnson.

Jan. 27, 1966: Eighteen Nation Disarmament Committee is scheduled to reconvene in Geneva.

Mr. PASTORE. Mr. President, following that speech, in which I introduced Senate Resolution 179, that resolution was favorably reported both by the Joint Committee on Atomic Energy and by the Foreign Relations Committee. It passed in the Senate without a dissenting vote. The vote was 84 to nothing.

The U.S. negotiators heeded my advice, and worked out an article that was virtually identical with the one I had suggested. But disagreement then arose among some nations, including our allies, with respect to the article.

The disagreement resulted from the fact that there were already two excellent, well-established international safeguards systems—that of Euratom and that of the International Atomic Energy Agency. An impasse developed as to how to work out the relationship between the two.

In a speech on the floor of the Senate on March 9, 1967, I recognized the impasse that had developed on this point. I recommended that an arrangement be proposed whereby the International Atomic Energy Agency would enter into a formal agreement with Euratom to develop equivalent technical standards for their safeguards system, and under which International Atomic Energy Agency inspectors would be authorized to verify Euratom's system. I ask unanimous consent that this speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record as follows:

FLOOR STATEMENT OF SENATOR JOHN O. PASTORE ON NONPROLIFERATION OF NUCLEAR WEAPONS, MARCH 9, 1967

Mr. President, less than one year ago—or May 17, 1966—a most serious matter was before the Senate. The subject was embodied in a resolution which was simply worded—not highly technical—not difficult to understand—and impossible to ignore.

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It was a resolution for nonproliferation of nuclear weapons.

The resolution passed without a dissenting vote.

I believe it was—and is—a profound declaration of the consensus of the Senate. Important as it was last year, I believe it may be even more important today. So I ask the indulgence of my colleagues and read that Senate Resolution 179 of the 89th Congress, 2nd Session, we passed that day.

"S. RES. 179, 89TH CONGRESS, SECOND SESSION

"Whereas the spread of nuclear weapons constitutes a grave threat to the security and peace of all nations, and

"Whereas the knowledge and ability to design and manufacture nuclear weapons is becoming more universally known, and

"Whereas the danger of nuclear war becomes greater as additional nations achieve independent nuclear weapon capability, and

"Whereas it is the policy of the United States, as stated by President Johnson, 'to seek agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race': Therefore be it

"Resolved, That the Senate commends the President's serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons and supports the principle of additional efforts by the President which are appropriate and necessary in the interest of peace for the solution of nuclear proliferation problems."

That Resolution was passed, 84 to 0, on May 17, 1966.

Today—March 9, 1967—the international disarmament conference is meeting in Geneva. Representatives of seventeen nations of the world are engaged in an effort to negotiate a nonproliferation treaty.

The effort is arduous. Negotiations have been underway since February 21. As anyone who has been reading the newspaper reports will know, there are currently some difficulties in negotiating and drafting the treaty language.

Specifically, there is disagreement among some nations, including our allies, with Article III of the proposed treaty submitted by the United States.

Article III has to do with international inspection of civilian nuclear facilities within the signatory countries.

There are two worthwhile international organizations that have been, and are, sponsoring civilian uses of atomic energy—the International Atomic Energy Agency and Euratom.

There appears to be developing in the minds of some that a choice must be made of one of these organizations to the exclusion of the other for the purpose of assuring that civilian nuclear material and equipment are not diverted to military purposes.

This is wrong!

Mr. President, I believe it would be worthwhile if we review the wording of Article III as it was originally proposed by the United States and alternate variations that have been under consideration and what problems there are.

As a member of the Joint Committee on Atomic Energy, and as present Chairman, I have been closely following this matter and would hope that as we have been able to do in the past, the members of the Joint Committee can make some contributions to help solve the problems that may now be facing us in the international control of atomic power.

Article III in the proposed treaty tabled on August 17, 1965 and again on March 22, 1966 by the United States, stated as follows:

"Each of the states party to this treaty undertakes to cooperate in facilitating the application of International Atomic Energy Agency or equivalent international safeguards on all peaceful nuclear activities."

As my colleagues recall, last year when I introduced S. Res. 179 on January 18th, I was critical of the wording of Article III as proposed. I felt the phrasing was vague and noncommittal. I said then, and I repeat now, if we really believe—and I know that we do—that the application of international controls are necessary and we intend to support international safeguards—let us say so in clear, explicit, definite, unequivocal language.

Last year, I therefore recommended much stronger language—language that would make it mandatory for international controls—international safeguards to be applied to nuclear material and equipment transferred between nations. At the time I recommended the following specific language:

"1. Each of the nonnuclear states party to this treaty undertakes to accept International Atomic Energy Agency or similar safeguards on all of their nuclear activities.

"2. Each of the states party to this treaty undertakes to provide source or fissionable material, or specialized equipment or non-nuclear material for the processing or use of source or fissionable material or for the production of fissionable material, to other states for peaceful purposes only if such material and equipment will be subject to International Atomic Energy Agency or similar international safeguards."

I was saying—pure and simple—that any nation that gives fissionable material for civilian use shall make sure that the recipient of such material agrees to international inspection and all those who receive it in turn agree that they will subscribe to international inspection.

In my proposed language I used the words "International Atomic Energy Agency or similar international safeguards" and I chose those words quite carefully for the following reason:

The International Atomic Energy Agency, with a current membership of 97 nations has established a safeguards system but to date has not fully developed that system. Euratom, an organization consisting of six Western European nations has been operating an inspection system among its members which I hoped would also be used to assure compliance with the nonproliferation treaty.

While the International Atomic Energy Agency is further developing its capabilities, I wanted to be certain that we continued to draw upon and use the capabilities of the existing system within that region where it exists. When I made my recommendation I did not then, nor do I now, support any type of language that would put off into the undetermined future the requirement for some sort of international inspection. It was my strong belief then, and it remains today, that we must be definite as to when and how international inspection will be applied to verify the civilian uses of atomic energy and to assure materials are not diverted to military purposes in contravention of any nonproliferation treaty entered into by the United States and other nations. This has been United States' policy from the inception of President Eisenhower's Atoms-For-Peace program in 1953. The United States has always required that agreements for cooperation in the civilian uses of atomic energy carry with them procedures and requirements for inspection. At first the United States on its own assumed that responsibility. Bilateral agreements with other nations included the right of United States inspectors to personally verify that equipment and material where being used in conformance with our agreement. Thereafter, when Euratom was formed in 1957 we encouraged this group of six Western European nations to develop international-type safeguards within that organization. Within Euratom, nationals of the other member nations inspect Euratom material and equipment located in France; Dutch and Italian nationals inspect Euratom

equipment and material in West Germany. However, from the beginning it was understood that in the event of the establishment of an international safeguards and control system under the International Atomic Energy Agency, Euratom would consider the International Atomic Energy Agency's assuming some safeguards and controls over Euratom nuclear material.

In 1958 the Chief of the Euratom delegation, in a letter to the United States Representative to Euratom, assured the United States "... in the event of the establishment of an international safeguards and control system by the International Atomic Energy Agency, the United States and Euratom will consult regarding assumption by that Agency of the safeguard and control over the fissionable material utilized or produced in implementation of the program contemplated by the Memorandum of Understanding."

Mr. President, I ask unanimous consent to include at this point in the record an exchange of letters dated June 18, 1958, between Max Kohnstamm, Chief, Euratom delegation, and Ambassador Butterworth, United States Representative to Euratom, confirming this understanding.

Mr. President, since its inception I have been a strong supporter of Euratom. The Joint Committee on Atomic Energy, of which I am honored to be the Chairman, has consistently supported various cooperative programs aimed at assisting Euratom in furthering the development of civilian nuclear power within Western Europe. Every proposal for cooperation and assistance—whether it involved information, technical assistance or fissionable material—was supported by the Joint Committee on Atomic Energy.

As Chairman of the Subcommittee on Agreements for Cooperation for a number of years I consistently and constantly lent my voice and support to assisting what I believe to have been, and still to be, a worthwhile endeavor—Euratom. I therefore am surprised and disappointed when I read statements emanating from within Euratom nations resisting, if not opposing, the nonproliferation treaty and, particularly, International Atomic Energy Agency safeguards. Statements reportedly originating in West Germany claim that a nonproliferation treaty, as now being proposed in Geneva, adversely affects the civilian nuclear power program within that nation. This, if true, is an incongruity and I dare say an untenable position. Each of the Euratom nations, as a member of Euratom, has already accepted international inspection within its own organization. In addition, each of the six member nations of Euratom has had bilateral agreements for cooperation with the United States which in the past authorized U.S. inspection. During the past several years two members of Euratom agreed to Euratom inspection of equipment received under their bilateral agreements with the United States. Following extended negotiation and review on August 1, 1965 Belgium entered into agreement by which it came under Euratom international inspection on all material and equipment it receives from the United States. On November 20, 1966 France also did the same. This year West Germany is expected to do the same.

In all cases, whether it be through bilateral agreements or through Euratom, the six nations of Euratom have agreed not to use material or equipment received from the United States for military purposes. This has not in any way adversely affected their civilian program. Similarly, each of the six in one way or another has accepted international inspection from its neighbors. I am therefore concerned that these nations that have been complying with nonproliferation-type restrictions should now raise objections by claiming that the nonproliferation-

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tion treaty would prevent or hamper the civilian uses of atomic energy.

As I have over the years sponsored and supported Euratom, similarly I have been a strong supporter of the International Atomic Energy Agency. In 1955, when President Eisenhower appointed me a delegate to the General Assembly of the United Nations, I helped in the drafting of the United States resolution which first sponsored the International Atomic Energy Agency. I presented the draft proposal before the first political committee of the 10th General Assembly of the United Nations. I have seen the International Atomic Energy Agency grow to what it is today—an organization dedicated to the development of nuclear energy for peaceful purposes with a membership of 97 nations soon to be increased to 99.

Beginning in 1960 the International Atomic Energy Agency has been developing an international inspection system. It is still developing that system. It has, I am informed, approximately 13 individuals assigned to it whose responsibility it is to visit facilities throughout the world and to verify that equipment and material designated for civilian purposes are not diverted to military uses.

I personally do not believe that this limited personnel of the International Atomic Energy Agency system to date is adequate to assume its responsibilities throughout the world. I am convinced that in the last several years much has been accomplished in developing techniques and training International Atomic Energy Agency inspectors. A great deal more is necessary. I am sure that it is important that in the years to come the United States and other nations dedicate themselves to improving and strengthening the International Atomic Energy Agency safeguards system.

Now, I do not believe that we are compelled to make a choice that is to be either one or the other—the IAEA or Euratom. In my opinion, it can be a cooperation and understanding between the two.

Nonproliferation of nuclear weapons is of prime importance. We need any and all assistance we can receive to assure fissionable material and equipment are not diverted from civilian uses to nuclear weapons. We need the Euratom safeguards, we need the International Atomic Energy Agency safeguards, and we need any additional regional safeguard systems that may hereafter be set up.

I, for one, would welcome an organization of Warsaw Pact nations that might be formed to further the civilian uses of atomic energy.

I would welcome a system whereby Polish nationals would inspect Hungarian or Czechoslovakian facilities and vice versa.

I would welcome a group of South American nations that might form on a regional basis and which might develop an international safeguards system within their region.

On the other hand, I would not recommend nor would I support individual regional safeguards systems which would exclude International Atomic Energy Agency inspectors or which would be in lieu of International Atomic Energy Agency safeguards.

Mr. President, as I have indicated on numerous occasions in the past, I believe it is important that Article III of the proposed nonproliferation treaty set forth a definite commitment that material and equipment transferred for peaceful uses will be subject to international inspection. I recommend that Article III be clearly understood not to require the International Atomic Energy Agency inspection system or other international inspection to be exclusive of each other; that any regional system that currently exists, like Euratom or others that may subsequently be formed, be encouraged to assist in this important work but that they be coordinated with and under the

International Atomic Energy Agency safeguards system. To this extent I recommend that the U.S. representative to the International Atomic Energy Agency be instructed to propose an arrangement whereby the IAEA would enter into a formal agreement with Euratom to develop equivalent technical standards for their safeguards systems and under which IAEA inspectors would be authorized to verify Euratom's system. I would also recommend that such an agreement should include a joint research program to develop improved technical methods for safeguarding fissionable materials.

Organizations such as Euratom and the International Atomic Energy Agency, whose objectives are similar, should not be at odds with one another. They should be co-operating and supplementing one another. If these two organizations will enter into an agreement to help develop better safeguard methods conceivably they could also enter into other joint projects in fostering the civilian use of atomic energy for their mutual benefits.

There are five nations today capable of unleashing a nuclear war. As additional nations develop nuclear weapon capability, the danger of accidental or deliberate nuclear war will increase. Every President—every Administration—from President Truman to President Johnson—has supported a policy to prevent further proliferation of nuclear weapons. Beginning with President Eisenhower, the United States also has sponsored an Atoms-For-Peace program to help other nations and groups of nations throughout the world obtain the benefits of peaceful uses of atomic energy. It would be a sad and tragic event if jealous rivalry between two international organizations, both of which were formed to advance the peaceful uses of atomic energy, were to prevent an effective nonproliferation treaty from being adopted.

Individual nations within Euratom and within the International Atomic Energy Agency have been willing to give up some degree of their sovereignty for the benefit of the group. Further advancements can be made for the betterment of all if these separate international agencies will cooperate in developing and supporting an international safeguards system.

We must not falter. And we must not fail. We are thousands of miles from Geneva today—but our tomorrow could depend on these discussions—those differences—and their decisions.

The very fact that mankind has a problem of nuclear proliferation to discuss, magnifies the perils that multiply with the expansion of the nuclear club.

We shuddered at the potential nuclear annihilation when the threat was in just two hands—ours and the Soviet Union.

All the wars of the 20th Century have cost 100 million lives. Three hundred million might well be lost in the first hour of an all out nuclear war—and the survivors would envy the dead.

Today—five nations are in the "nuclear club"—and a dozen nations stand in the wings counting the cost—against the prestige.

There are thousands of missiles actually on target at this hour in this divided world. Multiply them in mad hands—and "tomorrow" might become the most uncertain word in the language of man.

But mankind has a still more powerful weapon—the power of speech—of reason—of reasoning—of words—of communication—of understanding—man to man.

We have seen its power in these twenty years—growing into an active, articulate idea of a world of law and order.

We have seen its great instrument—the United Nations—become a power to maintain and restore peace among peoples.

We have seen the achievements of the Limited Nuclear Test Ban Treaty—our nuclear treaties in outer space—our "hot line" between the Kremlin and the White House.

We have seen these successes achieved when the hour seemed to promise pessimism—despair—defeat.

This hour at Geneva therefore calls for optimism.

It calls for the courage to compromise doubts and differences.

It calls for confidence in international cooperation.

It calls for a compact of nuclear security conceived in common sense.

It calls for a partnership for peace.

LUXEMBOURG,

June 18, 1958.

His Excellency Ambassador W. WALTON BUTTERWORTH,

U.S. Representative to the European Atomic Energy Community, Luxembourg.

DEAR MR. AMBASSADOR: As you are aware, in the course of the final negotiations on the text of the Memorandum of Understanding regarding the joint nuclear power program proposed between the European Atomic Energy Community (Euratom) and the United States of America, the question was raised as to the intent of the Parties regarding section 11D of the Memorandum. Section 11D provides for frequent consultation and exchange of visits between the Parties to give assurance to both Parties that the Euratom safeguards and control system effectively meets the responsibility and principles for the peaceful uses of atomic material stated in the Memorandum and that the standards of the materials accountability systems of the United States and Euratom are kept reasonably comparable.

I wish to confirm the understanding of the Euratom Commission that the consultations and exchange, of visits agreed upon in the referenced section and the assurance provided for therein include within those terms permission by each Party for the other Party to verify, by mutually approved scientific methods, the effectiveness of the safeguards and control systems applied to nuclear materials received from the other Party or to fissionable materials derived from these nuclear materials. In the Commission's judgment, this understanding is implicit in the text of the Memorandum of Understanding.

I wish further to confirm the Commission's understanding that with respect to Section 11E, in the event of the establishment of an international safeguards and control system by the International Atomic Energy Agency the United States and Euratom will consult regarding assumption by that Agency of the safeguard and control over the fissionable material utilized or produced in implementation of the program contemplated by the Memorandum of Understanding.

Sincerely yours,

MAX KOHNSTAMM,
Chief, Euratom Delegation.

JUNE 18, 1958.

MAX KOHNSTAMM, ESQ.
Chief, Euratom Delegation,
Luxembourg.

DEAR MR. KOHNSTAMM: As you are aware in the course of the final negotiations on the text of the Memorandum of Understanding regarding the joint nuclear power program proposed between the European Atomic Energy Community (Euratom) and the United States of America, the question was raised as to the intent of the Parties regarding section 11 D of the Memorandum. Section 11 D provides for frequent consultation and exchanges of visits between the Parties to give assurance to both Parties that the Euratom safeguards and control system effectively meets the responsibility and principles for the peaceful uses of atomic materials stated in the Memorandum and that the standards of the materials accountability systems of the United States and Euratom are kept reasonably comparable.

I wish to confirm the understanding of my government that the consultations and ex-

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changes of visits agreed upon in the referenced section and the assurance provided for therein include within those terms permission by each Party for the other Party to verify, by mutually approved scientific methods, the effectiveness of the safeguards and control systems applied to nuclear materials received from the other Party or to fissionable materials derived from these nuclear materials. In the Commission's judgment, this understanding is implicit in the text of the Memorandum of Understanding.

I wish further to confirm my government's understanding that with respect to Section 11 E, in the event of the establishment of an international safeguards and control system by the International Atomic Energy Agency, the United States and Euratom will consult regarding assumption by that Agency of the safeguard and control over the fissionable material utilized or produced in implementation of the program contemplated by the Memorandum of Understanding.

Sincerely yours,

Ambassador BUTTERWORTH,
Representative to the European Atomic
Energy Community, Luxembourg.

Mr. PASTORE. Mr. President, as chairman of the Joint Committee on Atomic Energy, I followed the ensuing negotiations closely. I can assure you that the solution reached—which was very much along the lines I had suggested—was not a Soviet idea, it was the result of the insistence of our own tough negotiators. It consisted of revision of article III to permit Euratom to work out an appropriate agreement with AEA with respect to safeguards responsibility. It is to give the parties a chance to work out such an agreement after they sign the treaty that the present article III provides a grace period after the treaty's entry into force.

Within this grace period such agreements are to be negotiated and brought to effect. It would be self-defeating to wait until such agreements were concluded before bringing the treaty into force, since, apart from the treaty, there is an obligation to negotiate such agreements.

But the fact that article III calls for a negotiation of safeguards agreements after the treaty enters into force does not mean that the treaty lays down guidelines for what the safeguards agreements must cover and how. I ask unanimous consent that there be inserted in the Record a memorandum describing the very specific guidelines it does lay down.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

MEMORANDUM ON ARTICLE III—ANALYSIS OF REQUIREMENTS FOR SAFEGUARDS AGREEMENTS UNDER NPT

The Non-Proliferation Treaty sets forth definite guidelines for what the safeguards agreements called for by Article III must cover and how. These include:

(a) Purpose: They must be "for the exclusive purpose of verification of the fulfillment of its obligations assumed under this treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices."

(b) Nature and Scope: The agreements must be concluded "with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system." See below.)

(c) Coverage: They must be "applied on all source or special fissionable material in all peaceful nuclear activities within the territory of each" non-nuclear-weapon state party to the treaty, under its jurisdiction, or carried out under its control anywhere." In addition, they must be applied on all source or special fissionable material furnished by a party to the treaty for peaceful purposes to any non-nuclear-weapon state—whether or not a party to the treaty, and on all special fissionable material processed, used or produced in related equipment shipped to such states.

(d) Effective Date: Negotiations for such safeguards must commence within 180 days after the treaty goes into effect (or, if a party joins the treaty later, at the time it does so), and must be completed within 18 months after the initiation of such negotiations.

Our extensive experience in the negotiation of safeguards agreements with the IAEA gives us confidence that this is a realistic time schedule. Nineteen countries already have safeguards agreements with the IAEA on materials shipped from the United States.

The IAEA Statute (a treaty to which the United States and the Soviet Union and nearly a hundred other countries are parties) sets forth definite guidelines as to the nature and scope of safeguards.

Moreover, there is a well-established set of safeguards procedures that has been adopted by the IAEA under this authority, in the application of which it has had experience. These are set forth in the IAEA Safeguards Document (1965) and the Inspectors Document.

Further guidelines are established by the three guiding principles appearing at pages IX and X of Executive H. A comparison of the Euratom safeguards system and IAEA safeguards system is set forth at page 266 of the July, 1968 hearings on the Treaty.

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Mr. PASTORE. Mr. President, some question has been raised as to whether IAEA safeguards will be adequate to do the job. As vice chairman of the Joint Committee on Atomic Energy, I can assure you with great confidence that they will. A measure of that confidence is the fact that the United States, with the acquiescence of the Congress, has already turned over to the IAEA the task of safeguarding 19 of our agreements for cooperation with other countries in the peaceful uses of atomic energy. We rely on such IAEA safeguards to insure that the materials involved are not diverted to any military use in contravention of our atomic energy laws. An additional reason for that confidence is the fact that the United States has a highly influential voice in IAEA affairs.

We could have no such confidence if the treaty called for setting up a brand new international organization to do the safeguards job. Such organization would be without experience and without this detailed safeguards system that we helped to develop.

I am convinced that article III is the best safeguards article that can be obtained at this time.

It is not vague—but quite specific as to what is required.

I believe that it would be self-defeating to await the conclusion of the safeguards agreements before bringing into force the treaty that requires their negotiation.

I am convinced that the IAEA will prove equal to the great task and op-

portunity that is being given it in this treaty.

I believe it will thus fulfill one of the principal purposes for which it is created.

I believe we are taking a major step toward international understanding and tranquility.

Mr. President, in that way and only in that way lies peace in our time and in this world.

AMENDMENT TO UNITED STATES-UNITED KINGDOM MUTUAL DEFENSE AGREEMENT ON USES OF ATOMIC ENERGY

Mr. President, today my colleague, Representative CHET HOLIFIELD, the chairman of the Joint Committee on Atomic Energy, made a statement before the other body on an amendment to the United States-United Kingdom Mutual Defense Agreement. This amendment covers the transfer of enriched uranium to the United Kingdom for use as fuel in United Kingdom nuclear submarines which will be utilized for our mutual defense.

The legal aspects of this amendment and the restrictions imposed on the utilization of the material by the United Kingdom are explained in Congressman HOLIFIELD's statement and the supporting documents. In order that these documents may be readily available to Senators, I ask unanimous consent that they be printed in the Record at this point.

There being no objection, the documents were ordered to be printed in the Record, as follows:

AMENDMENT TO UNITED STATES-UNITED KINGDOM MUTUAL DEFENSE AGREEMENT ON USES OF ATOMIC ENERGY

Mr. HOLIFIELD. Mr. Speaker, you may recall that President Johnson in the waning hours of the 90th Congress submitted to the Congress a proposed amendment to the 1958 Agreement for Cooperation between the United States and the Government of the United Kingdom on the Use of Atomic Energy for Mutual Defense Purposes. In accordance with Section 123d of the Atomic Energy Act of 1954, as amended, the proposed amendment was referred to the Joint Committee on Atomic Energy. No resolutions respecting the proposed amendment have been introduced since its submission, and therefore no formal report thereon is required of the Committee. However, in the interest of keeping the Congress informed with respect to matters of this kind, I thought it appropriate as Chairman of the Committee that I provide an informal report on the unclassified terms and conditions of the proposed amendment as well as on certain understandings that have been reached with the Executive Branch as to implementation of the agreement.

Subsection 123d of the Atomic Energy Act of 1954, as amended, provides that no cooperation in the military field with any nation or regional defense organization for the transfer of classified atomic energy information or material may be undertaken unless a proposed agreement for cooperation has been submitted to the Congress and referred to the Joint Committee, to lie before the Committee for a period of 60 days while Congress is in session. In addition to the submission of the proposed agreement, there must also be transmitted to the Congress the approval of the President of the United States and his determination that "... the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security." The proposed agreement for cooperation or any amend-

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ments thereto shall not become effective if during the 60-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement.

The proposed amendment will extend for a period of 10 years, under the authority of Section 91c. of the Atomic Energy Act of 1954, as amended, those provisions of the 1958 U.S.-U.K. agreement, as amended, which expire December 30, 1969 and provide for the transfer of special nuclear material for research on, development of, production of, or use in utilization facilities for military applications. The proposed amendment also provides that the transfer of specific other materials will be authorized for such applications. The maximum quantities of these specific materials to be transferred, or authorized for transfer, by the United States during the effective period of this amendment (i.e., prior to December 31, 1979) are set forth in supplementary classified documents which were submitted to the Congress together with the proposed amendment. According to the Atomic Energy Commission and the Department of Defense, these materials can be made available for transfer during the period involved without adverse effect on our national defense programs.

As is required by the Atomic Energy Act of 1954, the United Kingdom is participating with the United States in an international arrangement pursuant to which the United Kingdom is making substantial and material contribution to the mutual defense and security. Indeed, as noted in the President's message to Congress which I shall include in the Record at the conclusion of my remarks, this material, which will be used as fuel in the United Kingdom's nuclear submarine program, would substantially enhance the ability of the United Kingdom to contribute to our mutual defense, particularly in the North Atlantic area.

The Joint Committee's review of this matter actually antedates formal submission of the amendment by the President in October 1968. On October 25, 1967, officials of the Atomic Energy Commission consulted with the Committee in executive session concerning a proposal to extend those provisions of the existing agreement authorizing the transfer of atomic materials for naval nuclear propulsion purposes. On March 10, 1969 the full Committee convened to review the final details of the proposed amendment. Due to the necessary reference to classified information, the hearing was held in executive session. Principal witnesses in attendance were Commissioner Gerald F. Tape of the AEC, the Honorable Carl Walcke, Assistant to the Secretary of Defense (Atomic Energy), and the Honorable Philip J. Farley, Deputy Assistant Secretary of State (Politico-Military Affairs). All three agencies of Government expressed support of the proposed amendment.

During the hearing the Executive Branch assured the Committee that no transfer of naval nuclear propulsion technology or equipment, or of materials and equipment for nuclear weapons, could be made under the proposed amendment. The Committee also was assured that the preferred method of transfer of special nuclear materials to the United Kingdom for use in its submarine program would be through toll enrichment—that is, through the enrichment in the AEC's gaseous diffusion plants, at published prices, of natural uranium supplied by the British—as opposed to outright sale of U.S. enriched uranium, although the U.S. would, of course, have the unilateral option of selling enriched uranium if in a particular case that was deemed in the U.S. interest.

Finally, and most importantly in the view of the Joint Committee, the Executive Branch provided certain assurances concerning the use to be made of the nuclear fuels,

equipment and technology transferred under the agreement. Specifically, the Committee was assured that the enriched uranium to be provided under the amendment would be for fueling of United Kingdom nuclear-powered submarines, and for no other purpose. Moreover, the Committee was assured that all assistance furnished to the United Kingdom submarine program pursuant to the agreement, whether in the form of materials, equipment or technology, including that heretofore furnished, is subject to the provisions in Article VII of the existing agreement which preclude its retransfer by the United Kingdom without U.S. consent. The Executive Branch today submitted a letter to the Committee confirming these assurances in writing. Further, in view of the expiration at midnight on March 12, 1969 of the 60-day period during which the amendment must lie before Congress, the Executive Branch agreed that it would obtain confirmation from the British Government that it shares these understandings, before exchanging with the U.K. the diplomatic notes necessary to bring the amendment into force.

As I noted earlier, no formal Joint Committee vote or report on this matter is required. However, on the basis of its review of the proposed amendment and supporting data, and in consideration of the explicit assurances given to the Committee by the Executive Branch respecting the amendment's implementation, I believe it was the sense of the Committee that there was no substantial ground on which to interpose any objection to the proposed amendment.

Mr. Speaker, I ask unanimous consent that the President's Message to the Congress dated October 11, 1968 and supporting documents and correspondence be included at this point in the Record, together with the copy of the AEC's letter to the committee dated March 11, 1969 referred to above.

To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954 as amended, I am submitting herewith to each House of the Congress for appropriate action an authoritative copy of an amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended. The Amendment was signed at Washington on September 27, 1968.

The Agreement of July 3, 1958 as amended included a provision under which the Government of the United States agreed to transfer to the Government of the United Kingdom prior to December 31, 1969 special nuclear material for research on, development of, production of, or use in utilization facilities for military applications.

Under the Amendment submitted herewith, the Government of the United States shall transfer to the Government of the United Kingdom special nuclear material and authorize the transfer of specific other materials to the Government of the United Kingdom prior to December 31, 1979. The transfer of this material to be used as fuel in the United Kingdom's submarine program would substantially enhance the ability of the United Kingdom to contribute to our mutual defense, particularly in the North Atlantic area.

I am also transmitting a copy of the Acting Secretary of State's letter to me accompanying authoritative copies of the signed Amendment, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending approval of this Amendment, and a copy of my memorandum in reply thereto, setting forth my approval.

LYNDON B. JOHNSON.

THE WHITE HOUSE, October 11, 1968.

DEPARTMENT OF STATE,
Washington, October 4, 1968.

THE PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to transmit with a view to its submission to the Congress for appropriate action pursuant to the Atomic Energy Act of 1954, as amended, an Amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, as amended. The Amendment transmitted herewith was signed at Washington on September 27, 1968 on behalf of the United States pursuant to the authorization granted in your memorandum of September 26, 1968 to the Secretary of Defense and the Chairman of the Atomic Energy Commission, a copy of which was received by me. The Amendment provides for the transfer of nuclear fuel for the United Kingdom's submarine program.

Respectfully submitted.

NICHOLAS KATZENBACH,
Acting Secretary of State.

THE WHITE HOUSE,

Washington, September 26, 1968.

Memorandum for Secretary of Defense and Chairman, U.S. Atomic Energy Commission.

In your joint letters to me of September 18, 1968, you recommended that I approve a proposed Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

I note from your joint recommendations the United Kingdom is participating with the United States in international arrangements pursuant to which it is making substantial and material contributions to our mutual defense and security. The proposed Amendment will permit cooperation which will further improve our mutual defense posture.

Having considered your joint recommendations and the cooperation provided for in the Amendment, I hereby:

- Approve the program for the transfer of materials, in the types and quantities and under the terms and conditions provided in the joint letters of September 18, 1968, to me from the Chairman, USAEC, and the Secretary of Defense and the proposed Amendment to the 1958 Agreement;
- Approve the proposed Amendment to the 1958 Agreement;
- Determine that the performance of the proposed Amendment will promote and will not constitute an unreasonable risk to the common defense and security; and
- Authorize the execution of the proposed Amendment for the Government of the United States in a manner specified by the Secretary of State.

LYNDON B. JOHNSON.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., September 18, 1968.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed Amendment to the 1958 Agreement Between the Government of the United States of America and the Government of the United Kingdom for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

The proposed Amendment will extend under the authority of Section 91c. of the Atomic Energy Act of 1954, as amended, the provisions of the 1958 Agreement, as amended, which provide for the transfer of special nuclear material for research on, development of, production of, or use in utilization facilities for military applications. The proposed Amendment also provides that the transfer of specific other materials will be

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authorized for such applications. The maximum quantities of these specific materials to be transferred, or authorized for transfer, by the United States during the effective period of this Amendment (i.e., prior to December 31, 1979), are covered in a supplementary classified letter. These quantities can be made available for transfer during this period without adverse effect on our defense programs.

As is required by the Atomic Energy Act of 1954, as amended, the United Kingdom is participating with the United States in an international arrangement pursuant to which the United Kingdom is making substantial and material contribution to the mutual defense and security.

This Amendment does not provide for an extension of the exchange of naval nuclear propulsion technology or equipment or for any transfer of materials and equipment for nuclear weapons. On the other hand, it does not affect any of the provisions of the Agreement which are not being amended and, accordingly, does not affect our ability to continue to cooperate in the weapons or intelligence areas under the existing provisions.

The cooperation authorized by the provisions of the Amendment would cover the period January 1, 1970 to December 30, 1979, inclusive.

It is recommended that you:

a. Approve the program for the transfer of material as set forth herein and in the proposed Amendment to the 1958 Agreement;

b. Approve the proposed Amendment to the 1958 Agreement;

c. Determine that the proposed Amendment will promote and will not constitute an unreasonable risk to the common defense and security; and

d. Authorize the execution of the proposed Amendment for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendation.

Respectfully yours,

GLENN T. SEABORG,
Chairman, Atomic Energy Commission.
PAUL H. NITZE,
Secretary of Defense.

AMENDMENT TO AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED STATES OF
AMERICA AND THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND FOR COOPERATION ON
THE USES OF ATOMIC ENERGY FOR MUTUAL
DEFENSE PURPOSES

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on its own behalf and on behalf of the United Kingdom Atomic Energy Authority;

Desiring to amend in certain respects the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes signed at Washington on the third day of July, 1958, as amended;

Have agreed as follows:

ARTICLE 1

Subparagraph A.3 of Article III bis of the agreement for Cooperation shall be deleted and subparagraph A.4 of Article III bis shall be renumbered as subparagraph A.3 thereof.

ARTICLE 2

Paragraphs B and C of Article III bis of the Agreement for Cooperation shall be renumbered as paragraphs C and D thereof, respectively, and a new paragraph B shall be inserted to read as follows:

"B. The Government of the United States shall transfer to the Government of the United Kingdom special nuclear material, and authorize the transfer of other material, for research on, development of, production of, or use in utilization facilities for military applications, in such quantities, at such times prior to December 31, 1979, and on such terms and conditions as may be agreed."

ARTICLE 3

Article IX of the Agreement for Cooperation shall be amended as follows: The words "paragraph A or paragraph B of Article III bis" shall be deleted from subparagraph 1 of paragraph B and the words "paragraph A, paragraph B, or paragraph C of Article III bis" shall be substituted therefor.

ARTICLE 4

This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this twenty-seventh day of September, 1968.

For the Government of the United States of America:

JOHN M. LEDDY,
GERALD F. TAPE.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

PATRICK DEAN.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., March 11, 1969.

HON. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR CHET: During the Joint Committee's consideration yesterday of the proposed Amendment, signed September 27, 1968, to the Agreement for Cooperation with the United Kingdom on the Uses of Atomic Energy for Mutual Defense Purposes, two points were raised about which the Committee desired clarification.

This will confirm my testimony on those points, namely:

1. That the U-235 which would be provided under this Amendment to the Agreement would be supplied for the fueling of United Kingdom nuclear powered submarines; and for no other purpose.

2. That all of the assistance furnished to the United Kingdom submarine program pursuant to the Agreement whether in the form of materials, equipment or technology, including that heretofore furnished, is subject to the provision in Article VII of the basic agreement, which precludes its transfer by the United Kingdom without U.S. consent.

Moreover, we could not proceed with any implementation of the Amendment until after the United Kingdom confirms that it agrees with these points. We shall, of course, provide the Committee with copies of the confirming documentation.

Sincerely,

GERALD F. TAPE,
Commissioner.

Mr. PELL. Mr. President, I wish to congratulate my senior colleague on his excellent statement in connection with the Nonproliferation Treaty. If anyone has the particular knowledge to make a statement regarding safeguards, it is he.

Mr. President, the charge has been made on several occasions that the Nonproliferation Treaty would have a harmful effect upon the collective security arrangements provided to the United States and the West within NATO. Some critics also maintain that the treaty would hamper or even prevent altogether our allies in Western Europe from developing jointly an effective nuclear deterrent as a part of the creation of a unified Western Europe.

As the report of the Committee on Foreign Relations and the testimony available to us convincingly show, these

charges are without foundation. Among other things, General Wheeler, at the July hearings, restated the U.S. principle that

Any international agreement on the control of nuclear weapons must not operate to the disadvantage of the United States and our allies.

And he asserted that this principle has been observed. Moreover, earlier doubts that existed about such charges among our NATO allies have been resolved to their satisfaction. Our NATO allies were consulted at significant steps in the negotiation of the treaty. And the fact that 12 of the 15 NATO countries have now signed the treaty speaks for itself.

Under existing NATO defense arrangements, the United States places nuclear delivery vehicles and delivery systems under the control of other NATO partners, but retains under its own exclusive control the bombs and warheads to be used in such systems. Nothing in the Nonproliferation Treaty would require us to alter these arrangements. By the same token, the treaty in no way prevents us from consulting with our allies and planning jointly for the nuclear defense of the NATO countries, so long as no transfer of nuclear weapons or control of them results. The treaty also enables us to deploy nuclear weapons within allied territory as we and our allies see fit, again, however, with the proviso that no actual transfer of these weapons or control over them results. These are the arrangements we have with our NATO allies now. They are arrangements which have been effective in the past and which this Government foresees no reason to change unless and until a decision should be made to go to war. In the latter event, of course, the treaty would no longer be controlling.

As for the problem of European unity, the treaty would not preclude succession by a new federated state to the nuclear status of one of the former states from which the new state is composed. Thus, a federated state comprising France or the United Kingdom within its boundaries could succeed as a unit to the nuclear capability of that country. Such a federated European state would have to control all of its external security functions, such as defense and those foreign policy matters relating to external security. The United States would indeed be barred under the treaty and under the Atomic Energy Act from transferring nuclear weapons or control over them to such a multilateral entity. Nevertheless, the treaty does make possible, as I have indicated, an eventual evolution of existing European defense arrangements to take into account future changes in the political configuration of Europe and in the security situation that might emerge as a result of such a new configuration.

It is true that one issue has caused the Federal Republic of Germany certain concern as it considers Nonproliferation Treaty signature. The U.S.S.R. has stated that articles 53 and 107 of the charter remain valid and afford the victorious powers special rights to take coercive measures against former enemy states, such as Germany. The Federal Republic of Germany holds that any unilateral intervention in Germany by the U.S.S.R. would be contrary to the

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U.N. Charter, and that the Nonproliferation Treaty in any event must not afford a pretext for Soviet use of force in Germany. The invasion of Czechoslovakia brought these issues into public discussion.

The United States, the United Kingdom, and France issued statements last September which made clear our view that articles 53 and 107 of the U.N. Charter gave the Soviet Union no right to intervene by force unilaterally in West Germany. There are also some recent indications that the Federal Republic is now less concerned about this question. And I believe West Germany will come to see its overall interests being served by signing the treaty.

Mr. President, the North Atlantic Alliance has many urgent problems which it must consider and on which it must reach decisions. The Nonproliferation Treaty does not create any new limitations on the scope of the actions that could result from these decisions. If anything, the treaty, through the important contribution it will make as an effective worldwide arms control undertaking, should simplify NATO's task without hampering its effectiveness.

Mr. PASTORE. Mr. President, will my colleague yield to me?

Mr. PELL. I am very happy to yield to my senior colleague.

Mr. PASTORE. Mr. President, first, I should like to apologize to my distinguished colleague. I did not realize he was behind me. After I had left the room, I understand he paid me a little compliment, which I appreciate very much. Even though I did not hear it, I shall read

it in the Record tomorrow. He has always been thoughtful and generous and I appreciate his comments very much.

I hope very much that my colleague does not consider me rude for having left the room. Let me take this occasion to say that he has delivered a cogent and brilliant dissertation on the Nonproliferation Treaty of which he has been an advocate for a long time.

We are very fortunate to have his brand and quality in the Senate.

Mr. PELL. I thank my friend and senior colleague very much, indeed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO RECEIVE MESSAGES FROM THE PRESIDENT AND THE HOUSE OF REPRESENTATIVES

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that during the recess of the Senate following the close of business today, the Secretary of the Senate be permitted to receive messages from the President of the United States and from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 21 minutes p.m.), the Senate, in executive session, took a recess until tomorrow, Wednesday, March 12, 1969, at 11 o'clock a.m.

NOMINATION

Executive nomination received by the Senate, March 11 (legislative day of March 7), 1969:

DEPARTMENT OF THE INTERIOR

James R. Smith, of Nebraska, to be an Assistant Secretary of the Interior.

CONFIRMATIONS

Executive nominations confirmed by the Senate, March 11 (legislative day of March 7), 1969:

DISTRICT OF COLUMBIA COUNCIL

Gilbert Hahn, Jr., of the District of Columbia, to be Chairman of the District of Columbia Council for the term expiring February 1, 1972.

Sterling Tucker, of the District of Columbia, to be Vice Chairman of the District of Columbia Council for the term expiring February 1, 1972.

Jerry A. Moore, of the District of Columbia, to be a member of the District of Columbia Council for the term expiring February 1, 1972.

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I maintain, therefore, that you who are American citizens and taxpayers can take just pride in it. I am not here to make the eagle scream with foolish boasts about how high and noble we Americans are. You would be right to laugh at me if I tried it, for the faults and failing of our government are many and very conspicuous. So, indeed, are those of every other government. All I wish to do is to put a thought in your minds that you may recall some day when you are really down-in-the-mouth, when you are outraged by some governmental activity that you thoroughly disapprove, half persuaded that the whole thing is rotten to the core, and that the beacon to mankind that we lighted in 1776 is sputtering out in smoke and an evil smell.

Then bring to your mind this proof that it isn't all bad. Here is at least one small effort—and I assure you, there are many others that we seldom think of—to do the decent thing by a group of people far too small and weak to compel us to do anything. We are doing it, not because anybody can make us, but simply because it is right. These, too, are human beings and are entitled to be so treated.

Think of that when you are feeling low, and I think your spirits will rise, for you will know that we are doing at least a little something to realize the prayer for America in the old song:

"And crown thy good with brotherhood
From sea to shining sea."

EXECUTIVE SESSION

The Senate resumed the consideration of executive business.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I believe I have already touched all the bases, but I ask unanimous consent that the vote on the pending Ervin reservation occur at 2:30 this afternoon and that 10 minutes previous to that time be divided equally between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished Senator from North Carolina (Mr. ERVIN).

Mr. JAVITS. Mr. President, I have no objection. However, I wonder whether I might have a couple of minutes time to talk on the matter. I was not present yesterday. I would prefer to have the time before then.

Mr. MANSFIELD. Surely.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is the assumption of the leadership, and I hope it will be done—and I see no reason why it cannot be done—that the distinguished senior Senator from Arkansas (Mr. McCLELLAN), who will shortly speak on another subject, as in legislative session, will not exceed 1 hour. He will be followed by the Senator from Tennessee (Mr. GORE), also as in legislative session.

Mr. McCLELLAN. That is correct.

Mr. TYDINGS. Mr. President, I wish to speak in support of immediate Senate ratification of the Treaty on the Non-

proliferation of Nuclear Weapons. It has been more than 8 months since President Johnson signed the treaty in Washington. Twice during this period the Senate Foreign Relations Committee has held extensive hearings on the merits of this pact, and twice it has recommended that the Senate give its advice and consent to ratification. Surely, with the political uncertainties of the presidential elections past and President Nixon's recent endorsement of the treaty, there is no reason to delay action on this pressing matter any longer.

The Nonproliferation Treaty contains four major provisions: First, nations currently possessing nuclear weapons are prohibited from transferring nuclear weapons or weapons capability to nations not now in possession of them; second, nations without nuclear arms are bound not to acquire or manufacture their own nuclear weapons in the future; third, nuclear nations are pledged to facilitate the exchange of information, materials, and equipment for the peaceful uses of nuclear power, and to assure the non-nuclear states access to the benefits of the peaceful applications of nuclear explosive devices; and, fourth, article VI of the treaty commits all parties to pursue negotiations in good faith to put an end to the arms race and work toward eventual nuclear disarmament.

In the view of the Joint Chiefs of Staff, the past and present Secretaries of State, the past and present Secretaries of Defense, and numerous other experts from the fields of diplomacy and defense who testified during the Senate hearings on the treaty, none of these provisions would endanger U.S. security in any way. Commenting on the treaty and its effect on American security, General Wheeler, Chairman of the Joint Chiefs of Staff, explained during last fall's hearings:

At the initiation of treaty discussions, the Joint Chiefs of Staff formulated certain principles relating to national security that should not be violated by such a treaty. First, we believe that any international agreement on the control of nuclear weapons must not operate to the disadvantage of the United States and our allies. Secondly, it must not disrupt any existing defense alliances in which the United States is pledged to assist in protecting the political independence and territorial integrity of other nations. These principles have been observed.

It is estimated that 20 or more countries will have the capacity to produce nuclear weapons within the next decade. One need only contemplate a world in which many of these countries possess nuclear bombs or warheads and the means to deliver them to recognize the enormous dangers that will confront us if we fail to halt the spread of nuclear weapons now.

Each nation to join the circle of those possessing nuclear weapons will increase international instability and add to the possibilities of nuclear exchange. Volatile regional rivalries will acquire the terrible new dimension of being able to move the world toward nuclear holocaust. There will be no stability anywhere when nuclear weapons might be used between Egyptians and Israelis over Suez, between Greeks and Turks over Cyprus, between Indians and Pakistanis over Kashmir.

Some opponents of the treaty have argued that the spread of nuclear weapons would not significantly increase international instability. They contend that the relative stability of the current United States-Soviet "balance of terror" could be preserved through a multination system of mutual deterrence.

What they fail to understand is that the stability present in the United States-Soviet nuclear confrontation is conditional upon the fact neither country has a first-strike capability—that is, neither country can launch a nuclear attack without the certainty that it will be devastated by the second strike capability of the other.

The nations likely to acquire nuclear weapons in the coming decade in the absence of an effective nonproliferation agreement will not invest the enormous sums of money in the hardened missile sites and missile-launching submarines required for a credible second-strike capability. In situations in which one of these nations feels threatened, the temptation will be strong to employ its nuclear weapons preemptively and destroy a potential enemy before it can strike. For against each other, these second-generation nuclear nations will possess a first-strike capability.

Thus, the end result of failure to stem the spread of nuclear weapons will be a vastly increased probability of nuclear exchange and the outbreak of world war III.

In addition, nuclear proliferation will make the task of arms control and nuclear disarmament incomparably more difficult and complex—perhaps impossible.

Mr. President, when we ratified the Nuclear Test-Ban Treaty in 1963, we hailed it not only for its specific benefits but as "the first step in a journey of a thousand miles." Six years have passed and it is time for a second step, the ratification of the Nonproliferation Treaty.

This treaty represents a major milestone in our efforts to bring the atom under control—efforts which the United States initiated at the birth of the atomic age. Ratification will permit the nations of the world to intensify their efforts to tap the enormous power of the peaceful atom without fear that this power will be diverted to destructive purposes.

In his last book, "To Seek a Newer World," Robert Kennedy wrote:

This generation has unlocked the mystery of nature, henceforth all men must live with the power of complete self-destruction. This is the power of choice, the tragedy and the glory of man.

It falls to us to make sure mankind chooses survival. Ratification of the Nuclear Nonproliferation Treaty is a meaningful step in that direction.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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the support of his administration for the continued deployment of the ABM system.

THE INDIAN CLAIMS COMMISSION: ADDRESS OF HON. THEODORE R. MCKELDIN

Mr. MATHIAS. Mr. President, the American commitment to justice is expressed and advanced in many ways. One important agency of justice which has not received enough public notice or understanding is the Indian Claims Commission. This body, created by Congress in 1946, is charged with passing on the validity of claims against the United States by Indians, whether individually or as tribes. The Commission should not be confused with the Bureau of Indian Affairs, for the Commission's work is legal—investigatory, mediatory, and judicial—but in no way involved with the day-to-day administration of current American policy toward American Indians.

In a recent address to the Maryland Sportsmen's Luncheon Club, Hon. Theodore R. McKeldin, a member of the Commission, and a former Governor of Maryland—outlined cogently the panel's mandate and the challenges it faces in attempting to resolve claims which may date back many generations and require difficult legal, historical and even archaeological research. As Governor McKeldin summarized, the Commission's work is an attempt to "do the decent thing" and to promote, in this particular area, our national commitment to justice and fair play.

Mr. President, Governor McKeldin is uniquely well qualified for this exacting and important work. He brings to the Commission a long and outstanding record of public service, including two terms as Governor of Maryland and two terms as mayor of Baltimore. His legal ability and attention to detail are noteworthy. Above all else, he has expressed in word and deed, throughout his career as a public servant, a deep commitment to justice and a compassionate understanding of the need for Government to aid those citizens who have been denied equal justice and their full rights.

Because Governor McKeldin's address deserves wide attention, I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS OF THEODORE R. MCKELDIN, MARYLAND SPORTSMEN'S LUNCHEON CLUB, EMERSON HOTEL, TUESDAY, FEBRUARY 25, 1969

One of my reasons for accepting your invitation to appear here today is to try to clear up the confusion that appears to exist in many otherwise well-informed minds between the Indian Claims Commission and the Bureau of Indian Affairs.

The Bureau of Indian Affairs is an administrative organization of the Department of the Interior, responsible to the Secretary of that Department for the management of relations of the United States government and the Indians.

The Indian Claims Commission is an independent agency, responsible, not to the Secretary of the Interior, but directly to Congress. Its function is to pass upon the validity of claims against the government

of the United States by Indians, whether individually or as tribes. Although it has been in existence for 23 years, it is technically a temporary organization, not a permanent agency of the government. Its work is in part judicial, in part mediatory, but not at all administrative.

It came into existence in 1946 because Indian claims had been piling up ever since 1775, when the Continental Congress assumed jurisdiction over Indian affairs. After 171 years there were more than 600 still not adjudicated and their existence had become a scandal. An Indian could not sue in the Court of Claims without special permission of Congress, which meant that the plainest justice was often interminably delayed—and it is more than an adage, it is dismal truth, that justice delayed is justice denied.

It was to reduce this crying scandal that Congress set up an independent agency, giving it some of the powers of a court of law, some of a court of arbitration, and very wide powers as to the admission of evidence, but none of the powers of the Bureau of Indian Affairs to deal with the daily life of contemporary Indians. If some present-day successor of Chief Black Hawk, or Chief Sitting Bull is treating his fellow-tribesmen shockingly, that is no affair of the Indian Claims Commission, which is concerned only with possible frauds perpetrated before 1946.

That is to say, it is primarily a legal agency. That is why the law provides that three of its five members must be attorneys who are not merely qualified, but have been admitted to practice before the Supreme Court. Its decisions, unless reversed or modified on appeal, have the force of a decision of the Court of Claims, but it sits rather as a court of equity than strictly as a court of law. In establishing the Commission, Congress was not establishing another court for the rigid application of law, but an instrument for doing substantive justice to claimants who might have been betrayed, either by their own ignorance of the white man's law, or by shrewd crooks seeking to line their own pockets.

It was believed that the fact that the original victims and the crooks may both have been dead and gone these many years did not absolve the United States from responsibility. In an important sense the business of the Commission is not so much to benefit the Indians as to clear the skirts of the republic of the stains of ancient wrong.

With this in mind Congress went to extraordinary lengths to prevent the Commission from becoming a political football. No more than three of the five members may belong to the same political party. No member of the Commission may, during his term of office, practice any other profession or gainful occupation. No former member may plead before the Commission, either for or against any claimant, until the expiration of two years after he has left office. No member of either House of Congress shall appear before the Commission during his term of office, no matter whether he supports the claimant or the government.

On the other hand, the Commission is given unusual latitude in seeking to establish substantial justice rather than technically correct legality. As much valuable property was known to be involved, it was assumed that some bold impostors would seek to establish fraudulent claims, and so it proved. By the end of the last fiscal year, out of the 600-odd cases dumped upon it in 1946, the Commission has found 133 entirely without merit and had dismissed them. That dismissal, unless reversed on appeal, bars any further legal action in those cases.

But in 123 cases, a slightly smaller number, the Commission has found that the claims had some justification and has so certified to the Court of Claims, naming a settlement that it deems fair to both claimant and government. Without further action that certifi-

cation is legal authorization for Congress to appropriate the necessary money to make the payment.

That leaves rather more than half the cases still unsettled. The reasons for the slow progress are various, but the great one is simply the age of many of the claims. No claim arising since 1946 is considered and, of those that date earlier, none that was not filed before 1951 can be brought before the Commission, which means that no claim can be less than 18 years before it. If this sounds a bit like Dickens' fictional lawsuit of *Jarndyce & Jarndyce*, that dragged interminably through the court of Chancery, there is one tremendous difference—in the novel, the whole estate was consumed by the costs of litigation, but the American Indian, if he can establish even a fair color of right, will have it carefully and thoroughly investigated by the Commission, and even if he employs counsel on his own, the Commission will restrict the counsel's fees to a small proportion of the sum recovered.

But when a claim goes back a hundred years the task of establishing the truth about it is almost incredibly difficult. All the witnesses are long dead, the records are always scanty and often unreliable, and the establishment of a clear title is often flatly impossible. In such cases the Commission must decide on the weight of evidence drawn from innumerable sources, not merely written history, but the findings of archaeology, anthropology, languages, and a dozen other sciences. In view of the sums involved—over 250 millions in cases already adjudicated—all this must be examined with great care.

Of course it is slow work and legal training is only the first of the necessary qualifications. Success in it requires also much experience in weighing evidence, not merely documentary evidence, but also the testimony, often contradictory, of equally distinguished experts in many fields of learning.

But slow as it is, difficult as it is, expensive as it is, the work is worth doing because it is an honest effort to vindicate the good name of our country. We require our children to salute it as a country "with liberty and justice for all". We know that that is not absolutely true, and we know that in this imperfect world it can never be made absolutely true. But if we omit no effort to make it as nearly true as it is humanly possible to make it, we shall have done our part, and have nothing for which to apologize.

This effort to do justice, however belated, to the descendants of the population we displaced and very nearly wiped out is, I believe, an exceptionally pure demonstration of the reverence for abstract justice which I choose to believe is a part of the American character. Nothing compelled us to do it except the driving power of our own consciences. We know that this race—in which, by the way, the law includes the Eskimos and Aleuts of Alaska—in its primitive days had the misfortune to come into collision with a far more advanced and more powerful civilization. When two civilizations crash, the weaker inevitably goes down, and so did the Indian population of America. Estimated at about 800,000 in 1492, by 1899 it had sunk to hardly more than 250,000.

But the white man, while overwhelmingly more powerful, was not utterly ruthless. The evidence is the fact that today there are half a million Indians living in this country.

I don't claim that the record is anything like perfect. Long before I became a member of the Commission I had visited many Indian communities some, but not all, on reservations, and I have seen with my own eyes how hard life is in many such places. But it is being slowly, but steadily bettered, not through the efforts of our Commission, but through those of the Bureau of Indian Affairs. However, settlement of the just claims of the Indians will speed up the work of the Bureau.

governments are going to have to put forth an extra effort in those cities with a high ratio of the socially and economically deprived. These are the areas where blight and impaction are most critical. These are the areas with the heaviest concentration of uneducated, unemployed, and impoverished. These are not simply structural problems but agonizing human ones which command our immediate concern.

Third: A dynamic and different approach to the human problems of our cities.

Here I think we can take a clue from the words of HEW Secretary, Bob Finch, "It's not tears we need now, it's innovation."

One fresh approach I have long advocated is the gradual establishment of national welfare standards. This would relieve hard-pressed urban centers of an untenable financial burden and reduce the disparity in welfare payments between states.

Secretary Finch is also correct in indicating the Federal Government's need to rationalize existing poverty programs, so that we can wage our war on poverty more effectively. This I foresee to include emphasis by the OEO on pilot and experimental projects; transfer of successful programs to their proper federal department or agency; re-assessment and reform of questionable efforts; tightening of appropriate program management responsibility through state and local governments.

Fourth: A far greater emphasis on solid achievement through private investment rather than public expense. In his campaign President Nixon proposed incentives to industry willing to invest in inner-city development, in providing jobs and job training. He said, "Helping provide these incentives is the proper role of government—actually doing the job is not—because industry can do it better."

The Nixon Administration intends to move in this direction. We intend to propose legislation which will allow federal surplus property to be made available to state and local governments at less than fair market value where its proposed use will create substantial employment in depressed areas. The transfer to New York City of the Brooklyn Navy Yard near Bedford Stuyvesant, one of the most severely depressed areas in the country, is an example.

In his response to the problems of the ghetto, the President has proposed the development of "minority entrepreneurship," an investment in ownership and management by groups long unable to finance an adequate share of the action. This is the chance to reverse decade-old patterns which "fed the stomach but starved the soul."

It is realistic, for social progress is linked to economic progress. All the fair housing legislation on the books has little meaning if a man lacks the income to buy a house in the neighborhood of his choice.

Fifth: The last new direction I will discuss with you today is not one of approach but of attitude. It is not a program that can be measured by appropriated dollars or the assignment of priorities, but it is of paramount importance.

In his Inaugural Address, President Nixon noted that in this past third of a century, we have passed more laws, spent more money, initiated more programs, than in all our previous history.

Yet "We have found ourselves rich in goods, but ragged in spirit . . . caught in war, wanting peace . . . torn by division, wanting unity."

To this crisis of the spirit, President Nixon proposed an answer of the spirit. His answer is a new attitude. It is to be part of a cause larger than any one of us; a life of "High adventure—as rich as humanity itself, and exciting as the time we live in."

For as President Nixon said, "What has to be done has to be done by government and people together or it will not be done at all.

The lesson of past agony is that without the people we can do nothing; with the people we can do everything."

NATION'S BUSINESS LEADERS WILL HEAR AGNEW AND DISCUSS NATIONAL ISSUES AT CHAMBER PUBLIC AFFAIRS CONFERENCE

WASHINGTON, February 8.—More than 1,000 business leaders from across the country will get their first good look at the Nixon Administration at the seventh annual Association Public Affairs Conference sponsored by the Chamber of Commerce of the United States at the Sheraton-Park Hotel, Feb. 17-18, it was announced today. Conference theme is "Insight '69."

Vice President Spiro T. Agnew will deliver his first major address on the critical problems of the cities since President Nixon assigned him major responsibility for urban affairs. He will speak at the second-day luncheon.

The conference will also include a special seminar on tax incentives for business investment in the solution of urban problems, panel discussions on the legislative and economic outlooks and the power centers in Washington, briefings with high officials at three federal agencies, and a reception honoring Secretary of Commerce Maurice H. Stans and his chief aides.

The Tuesday afternoon incentives workshop will dig into the questions of tax and other stimulants. Leading spokesmen on both sides of the concept will participate. They are: Sen. Charles E. Goodell (R-N.Y.), Sen. William Proxmire (D-Wis.), Dr. Richard Rosenbloom, professor, Harvard Business School, and John G. Helmann, vice president and director, E. M. Warburg & Co., New York. Carl H. Madden, National Chamber chief economist, will moderate.

National Chamber Vice President Jenkin Lloyd Jones, publisher of "The Tulsa Tribune" and syndicated columnist, will preside and deliver the opening address.

Other highlights:

Legislative Insight panel debate by congressional leaders Sen. Birch Bayh (D-Ind), Sen. Roman L. Hruska (R-Neb.), Rep. Albert H. Quie (R-Minn.) and Rep. Richard Bolling (D-Mo.). Arch N. Booth, National Chamber executive vice president, will be moderator.

Insights on the Dollar discussion by Walter W. Heller, former chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson, and Dr. Beryl Sprinkel, senior vice president, Harris Trust and Savings Bank, Chicago. James J. Kilpatrick, nationally syndicated columnist and ABC-TV commentator, will serve as moderator.

Participants will visit the Commerce and Labor Departments and the Federal Trade Commission to discuss issues such as administration of the Wage-Hour Act, foreign trade and consumer affairs.

Editors of "Nation's Business" will conduct a luncheon panel exchange on "Now Who's Really Running Washington?" They will address themselves particularly to labor relations, foreign affairs and politics.

The reception honoring the Commerce Department will be held on Monday evening.

MILITARY SPENDING

Mr. FULBRIGHT. Mr. President, before I proceed to discuss the Nonproliferation Treaty, I wish to say a word about the speech of the Senator from Wisconsin (Mr. PROXMIRE) concerning the military expenditures of our Government, which he made a moment ago. I could not be here, but I read his speech with a great deal of interest, and I wish to congratulate him on making a very fine contribution to the discussion which is currently underway with regard to the

enormous imbalance that has developed in our governmental expenditures between the civilian and military departments.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The Senate resumed the consideration of Executive H, 90th Congress, second session, the Treaty on the Nonproliferation of Nuclear Weapons.

Mr. FULBRIGHT. Mr. President, I consider it a privilege to present to the Senate, on behalf of the Foreign Relations Committee the Treaty on the Nonproliferation of Nuclear Weapons.

In my remarks, I should like to comment briefly on the political and national security aspects of the treaty. But before examining the wisdom of this or that provision of the Nonproliferation Treaty, I would urge my colleagues to consider for a moment the enormous problems confronting us if these weapons continue to spread throughout the world.

The United States has long been acquainted with the dangers as well as the uncertainties in dealing with a world where only a few nations have nuclear weapons. In the years since Hiroshima and Nagasaki, the United States and Soviet Union have come to appreciate the dangers as well as the limitations of nuclear weapons. This relationship of mutual understanding, born of the capacity for mutual destruction, was first disturbed by the entry of France into the nuclear weapons field—and then shaken by the arrival of Communist China.

In considering this treaty, I ask Members to contemplate the potential horrors of a world in which pigmy nuclear weapons powers abound; a world where Middle Eastern crises are compounded by the introduction of nuclear weapons; a world where an African or Asian breakaway state close to suppression resorts to nuclear weapons to bring the temple down on both friend and enemy; a world where a small state can trigger a "small nuclear war" which may bring the major powers to a confrontation involving nuclear weapons; a world where the tons of plutonium that will soon be produced—by the nuclear plants of states now without nuclear weapons—is actually diverted into the manufacture of hundreds of atom bombs a year.

Let us then be completely clear at the outset of this debate on the Nonproliferation Treaty as to what this treaty is all about.

The treaty's fundamental purpose is to retard the further spread of nuclear weapons by prohibiting the nuclear weapons states party to the treaty from transferring nuclear weapons to others and by barring the nonnuclear-weapons countries from receiving, manufacturing, or otherwise acquiring nuclear weapons.

In other words, this treaty is designed to lift from the world's already burdened shoulders some of the potential problems I have cataloged. This is not to say that the Nonproliferation Treaty is a panacea for all the ills besetting the world with regard to nuclear weapons.

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levels of government and a more practical role for State and local government officials in the formulation of Federal policies. As a practical means to achieve these ends, the administration already has taken an innovative advance to urban problems through the creation of the Council on Urban Affairs and the Office of Intergovernmental Relations. With Vice President AGNEW as a viable part of both units, we can be assured that practical solutions to the problems will be sought and attained wherever possible.

I ask unanimous consent that the important and timely remarks of the Vice President be printed in the RECORD, as well as the press release of February 9, 1969, on the subject.

There being no objection, the address and press release were ordered to be printed in the RECORD, as follows:

AN ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES, SPIRO T. AGNEW, AT NATIONAL CHAMBER'S 1969 ASSOCIATION PUBLIC AFFAIRS CONFERENCE LUNCHEON, WASHINGTON, D.C., FEBRUARY 18, 1969

The present urban crisis stems from a history of human problems compounded by diminishing tax returns and burgeoning demands. Beneath the shiny glass and steel facade rising in every large city's commercial core lurk forbidding problems of crime, blight, pollution and unemployment, of inadequate housing and education.

We cannot escape these problems. We can only confront and conquer them. And to do this we must put aside the pettiness of provincial thinking, the dubious luxury of political partisanship, the delusion that government can restore our cities alone.

The crisis of our cities does not call for panic but commands a response that is immediate, rational and practical. Permanent solutions require a full working partnership among all levels and branches of our society.

The Chamber of Commerce has recognized the scope and seriousness of urban problems. It has displayed admirable leadership and initiative in this sphere.

Your efforts merit tribute from a grateful nation. Your "Forward Thrust" program; Urban Action Clearinghouse, and Urban Leadership Workshops have awakened and inspired and involved the private sector. Your foresight in sponsoring scholarly research has produced broader insight in the field of urban affairs. Your Construction Action Council has become a focal point for attacking compelling environmental problems.

Your contributions offer dramatic proof that the private sector is both willing and able to supplement public efforts on a volunteer basis.

The March 26th closed-circuit telecast, beamed to civic and business leaders in more than 26 American cities, marks another tremendous effort by this organization. I hope to join Secretary Finch and Secretary Romney in this unprecedented program.

Throughout his campaign, President Nixon continually expressed his confidence in the great, untapped potential of the private sector. This was echoed in the words of his inaugural, when he said: "We are approaching the limits of what government alone can do. Our greatest need now is to reach beyond government, to enlist the legions of the concerned and the committed."

Certainly, you will play an even greater role in future approaches directed by our President who gives priority to urban problems and emphasis to partnership with the private sector.

In creating a Council on Urban Affairs and placing it in a position of importance comparable to the National Security Council, President Nixon gives tangible evidence that our cities shall receive the highest priority.

Prior to this action, the President—then President-elect—determined that I should serve as his personal representative in developing more effective working relationships among federal, state and local governments.

In announcing that the office of Vice President would provide this liaison capacity, President-elect Nixon said, "Absolutely essential to my Administration is a more practical role for state and local government officials in the formulation of federal policies . . . We must have a working partnership among all levels of government. I attach such great importance to this objective that I am asking the Vice president-elect to assume the responsibility for seeing it is accomplished."

The linking of state and local liaison responsibility in the Vice President's office is a new and promising approach. Prior to the Nixon Administration, liaison responsibility was split between the Vice President, who was the contact for the cities and counties, and the Office of Emergency Preparedness, which acted as liaison to the states. While both Vice President Humphrey and OEP Director Price Daniels did admirable jobs, the very division of their labor circumvented a comprehensive, coordinated approach to domestic policy development.

One of the most persistent difficulties in urban affairs is intergovernmental competition. We must encourage local and state authorities to sit down together and thrash out their problems with each other as well as their common difficulties with the Federal Government. If permanent resolution is to replace temporary accommodation, we must have accord among all levels of government.

While the problems of our cities will not disappear completely because of intergovernmental coordination, they will never diminish without it. The pace and effectiveness of programs and policies depend on intergovernmental cooperation.

In order to provide a vehicle with services sufficient to meet the task, the President has asked me to supervise the new Office of Intergovernmental Relations.

In a statement delivered on the signing of the Executive Order creating the Office of Intergovernmental Relations, President Nixon outlined the purposes of this unit.

"The Office of Intergovernmental Relations will aid the Vice President in his liaison responsibility between the President and the state and local officials."

"Among its many functions, the Office will assure state and local officials access to the highest offices of the Federal Government, especially those having a direct impact on intergovernmental relations, so that federal programs, policies and goals will be more responsible to their views and needs. It will seek to strengthen existing channels of communication and to create new channels among all levels of government."

It should be clearly understood that state and local governments will continue to have direct access to federal departments and agencies, and in fact this office will encourage even greater communication.

As our office works on a day-to-day basis with America's mayors, county officials and governors, we will inevitably become more sensitive to their problems and priorities. We hope to become a highly responsive mechanism to transmit their views.

Working in close harmony with the Council on Urban Affairs, our office will report recurring problem patterns to the Council.

The Urban Affairs Council—created in the President's words, to develop "coherent, consistent positions as to what the national government would hope to see happen; what it will encourage, what it will discourage"—offers the avenue for policy adjustment.

Finally, the Office of Intergovernmental Relations—part clearinghouse; part court of last resort—will remain primarily the forum for dialogue; the focal point where all levels

of government will be encouraged to substitute cooperation for competition and coordination for duplication in intergovernmental affairs.

Again this represents a totally new approach to urban problems by the Administration. It is a practical means to achieve workable answers through viable federalism. It is not an expensive instrument but an essential one. It is ambitious in a professional way, but its goals are achievable.

As such, it mirrors much of the policy I believe will be forthcoming from the new Administration. President Nixon has gone on record saying, "One thing worse than not keeping a promise is making a promise that cannot be kept . . . What we do not need now is another round of unachievable promises of unavailable federal funds."

President Nixon will not promise, knowing he cannot deliver. This does not mean that the President does not find promise in the future; but that his goals are realistic, practical, deliverable.

The importance of this policy of candor with the people is immeasurable. Promises followed by dashed hopes too often result in violence.

What goals are realistic, practical, achievable?

First: A strengthening of "Fiscal Federalism" to enlist federal aid more effectively. Here I believe we can anticipate a pluralistic approach to reforming present grants-in-aid programs.

Presently, most significant federal aid is by way of categorical grant. In many cases, the incompatibility of such restrictive assistance with existing state programs prohibits full use of the aid. Actually out of the approximately 400 grants now in existence, a mere 30 account for 89 cents out of every federal-aid dollar.

Everything is to be gained by reforming the present system, substituting the broad for the narrow and the general for the specific. The economics of the situation alone present a cogent argument. We will free more money just by eliminating the duplication and overlap that now exist. Flexibility and efficiency are primary objectives, but at no time should any move toward bloc grants be construed as handing the states blank checks. Congressional intent must be followed. I do not see bloc grants as a device to favor one level of government over another, but rather as a way to provide each level of government with a definite role and responsibility to fulfill.

The pluralistic approach takes into account the continuance of those categorical grants-in-aid which serve the national interest. It also calls for the full exploration of additional methods of federal-aid distribution.

Second: The development of a national urban policy disciplined by clear cut goals and priorities. As President Nixon says, "Having a policy in urban affairs is no more a guarantee of success than having one in foreign affairs. But it is a precondition of success."

Important new approaches to existing metropolitan patterns must be explored. The development of "new towns" or satellite cities, carefully planned to include every income group, sufficient services and a self-sustaining economic base offers an exciting alternative to urban squalor and suburban sprawl.

However, "new towns" cannot be created at the expense of old cities. With America's population projected to increase 73 percent by the year 2000, we must promote the proper development of both if we are to prevent the abrasive impaction which contributes so greatly to present urban problems. In addition, we must concurrently assure the effective development of our nation's growth centers, cities of 30,000 to 50,000 people which have great potential to facilitate and accommodate future expansion.

At the same time we must recognize one compelling reality, that the federal and state

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The treaty has been ignored by some nations and flatly rejected by others. Those nations which are nearest to developing their own nuclear weapons, and which refuse to sign the treaty, will weaken it. This treaty, unfortunately, is not the final answer to the problem of nuclear proliferation, I do not present it as such. I do present it, however, as a significant barrier to the further spread of these weapons and as the framework for cooperation among the major powers to establish and maintain that barrier.

With all its limitations, I hope the Senate will agree with me that placing a barrier to the further spread of these weapons is not only in our national interest but in the interest of all nations and peoples. Most of us in the Senate have long shared the hope that ways could be devised to slow the further spread of these weapons. The Senate in 1966 voted 84 to 0 in favor of Senate Resolution 179. That resolution, introduced by the distinguished Senior Senator from Rhode Island (Mr. PASTORE), encouraged the President in his efforts to negotiate a treaty to slow the spread of nuclear weapons. We now have a treaty that gives substance to that hope, a treaty approved by two Presidents, two Secretaries of State, two Secretaries of Defense, and twice by the Joint Chiefs of Staff.

Let us also be clear at the outset that the treaty before the Senate is not an act of unilateral disarmament on the part of the United States—or any other nation. This treaty does not take a single weapon from our arsenal. Far from disarming, the United States and the Soviet Union are on the verge of a new phase of the nuclear arms race. This treaty, I am sorry to say, imposes no flat commitment on the nuclear powers to avoid a further round of nuclear weaponry. The treaty requires simply that the major powers "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date." And even that limited obligation under article VI has been interpreted by the Director of the Arms Control and Disarmament Agency to mean that there is no inconsistency with possible plans to deploy antiballistic missiles before the United States has exhausted every possibility of beginning negotiations with the Soviet Union on strategic arms limitation.

The United States has no desire or intention to give the control of nuclear weapons to any other state. We have prohibited it by law. To describe this treaty as a step in the direction of unilateral disarmament is rather farfetched, to say the least.

The fact that the United States has no desire or intent to give the control of nuclear weapons to other nations is no assurance, however, that other nuclear nations share our determination not to give nuclear weapons to other states.

Although I personally believe that the Soviet Union would not give control of its nuclear weapons to other nations, the fact is that at the present time there is no restraint whatsoever on the Soviet Union. If the Russians should, in a moment of national folly, decide to give

nuclear weapons to a small power, they can do so now and neither we nor anyone else can stop them.

When this treaty enters into force, however—and it cannot enter into force without the Soviet Union—there will be an obligation imposed on the Russians not to hand these weapons over to nations who may today be the Soviet Union's controllable friends—but tomorrow may be her uncontrollable enemies or allies.

There will be some few who will argue that one cannot rely on the Russians—that they will ignore the treaty at their pleasure. The point is that some international restraint is better than none at all. Furthermore, this treaty—as the Antarctic Treaty—is in the Russian interest as much as in our own interest. And there is reason therefore, to think they will abide by the treaty if we do.

I may say that in the consideration of the Antarctic Treaty it was alleged that the Russians would not abide by it and there was no use in having such a treaty. The fact is that the Russians have abided by it, as we have and as all other members have, and it has worked very well, indeed.

Unfortunately, there is no present nuclear restraint on France or Communist China. But when it comes to the further spread of these weapons, we should be thankful for what can be achieved. And if it is generally accepted, those two countries might change their views.

As to the objectives of the treaty itself, I shall briefly develop the ways in which the Nonproliferation Treaty can be expected to advance our overall national interests; but I urge Senators to give serious attention to the more than 500 pages of testimony taken by the Foreign Relations Committee from two administrations. I particularly recommend that Senators study carefully the report of the Committee on Foreign Relations. It was drafted with special care by members of the committee, who participated in the discussions at considerable length; and I believe it is an excellent report.

During the hearings on the Nonproliferation Treaty last July, the Committee on Foreign Relations was joined by the Senate members of the Joint Committee on Atomic Energy. It was a particular pleasure to have the assistance of the senior Senator from Rhode Island. He helped the committee develop and understand many of the more difficult technical considerations relating to the field of atomic energy and international safeguards systems. No man knows more about this important but esoteric field than my distinguished colleague from Rhode Island; no man in this body has done more to advance the cause of harnessing the nuclear weapons capacities of the world.

Mr. President, in deciding whether to give its advice and consent to the Nonproliferation Treaty, the Senate must consider a number of basic questions: First, does the treaty safeguard our national security interests? Second, what new obligations, if any, will the United States undertake if the treaty is approved? Third, does the treaty advance the broad interests of American foreign policy?

On the basis of the hearings conducted by the committee, I believe that the treaty safeguards our national security, and is in the national interest.

As for the effects of the treaty on our national security, the Chairman of the Joint Chiefs of Staff, Gen. Earle G. Wheeler, testified that the Joint Chiefs of Staff were unanimous in supporting the treaty: In the words of General Wheeler:

The nonproliferation treaty—

Does not operate to the disadvantage of the United States and our allies.

Does not disrupt any existing defense alliances in which the United States is pledged to assist in protecting the political independence and territorial integrity of other nations.

Does not prohibit deployment of U.S. owned and controlled nuclear weapons within the territory of our nonnuclear NATO Allies.

Does not prohibit the United States from using nuclear weapons in any situation wherein nonuse of nuclear weapons would be inconsistent with U.S. security interests.

The committee has also made clear in its report that the treaty in no way affects the right of the United States to enter into agreements to station nuclear weapons under U.S. control on the soil of an ally.

During the hearings, questions were raised as to the implications of a United Nations Security Council resolution which the United States, Great Britain, and the Soviet Union introduced in June of 1968. By that resolution, and by identical declarations made in the Security Council the signatory nuclear powers stated that they would seek immediate Security Council action to provide assistance, in accordance with the U.N. Charter, to nonnuclear signatories that are threatened by aggression with nuclear weapons. Of considerable concern to members of the committee was the possibility that its support of the Nonproliferation Treaty would be taken as approval of the Security Council measure as embodied in the United Nations resolution or in the supporting U.S. declaration.

Lest there be any doubt as to whether this security guarantee resolution could be construed as involving a ratification of prior commitments or establishing new U.S. commitments, the report of the Committee on Foreign Relations includes the following language of interpretation of the relationship of the security guarantee resolution and the treaty—

Mr. ALLOTT. Mr. President, will the Senator yield for one question?

Mr. FULBRIGHT. I yield.

Mr. ALLOTT. Is that Resolution No. 255 of which the Senator is speaking?

Mr. FULBRIGHT. Yes; in the Security Council.

Mr. ALLOTT. Resolution No. 255?

Mr. FULBRIGHT. The Senator is correct.

Mr. ALLOTT. I thank the Senator.

Mr. FULBRIGHT. I quote from the committee report:

The Committee records its firm conclusion, reached after extensive testimony, that the Security Council Resolution and the Security Guarantee declaration made by the United States in no way either ratify prior national commitments or create new commitments.

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It has been suggested in this Chamber that because of the Security Council resolution and the accompanying U.S. declaration, approval of the Nonproliferation Treaty will obligate the United States in the event of an aggression to come to the defense of any nonnuclear signatory to the treaty. In other words, this treaty, it has been suggested, pledges the United States to become a policeman to all the world's conflicts involving nuclear weapons.

In my view, there are few subjects that have been given more attention by the Foreign Relations Committee than the subject of international commitments. Two administrations have been thoroughly interrogated as to what new responsibilities or commitments the United States would be undertaking by acceptance of the Nonproliferation Treaty.

I want to repeat, therefore, that the committee has made it unmistakably clear in its report that the Security Council resolution in question and the U.S. declaration are separate and distinct from the Nonproliferation Treaty. In recommending approval of the Nonproliferation Treaty, the Senate is not thereby approving or disapproving the security guarantee measures embodied in the United Nations resolution or the supporting U.S. declaration.

I repeat, Senate approval of this treaty neither broadens nor narrows U.S. obligations under the United Nations Charter or resolutions passed in the United Nations. Furthermore, the Secretary of State has testified that "as a matter of law and as a matter of policy" no additional obligations were assumed by the United States in connection with the United Nations security guarantee resolution.

I turn now to article V to call attention to certain obligations and potential problems regarding its interpretation. The treaty gives assurances to the non-nuclear weapon states that they are to be enabled to share on a nondiscriminatory basis in the benefits of the peaceful application of nuclear explosive devices. When the committee first considered the Nonproliferation Treaty last summer, there were members who were concerned lest the language of this article could be interpreted as a positive commitment to provide explosive devices for research and development that would further the commercial interests of domestic and international firms without regard to cost and to the relationship of these services to the U.S. public interest.

As a result of the careful attention of the distinguished senior Senator from Vermont, the committee states its satisfaction with the assurances of the administration, particularly the Atomic Energy Commission, that article V will not result in an open-ended subsidy commercial of interests. The committee expects that the U.S. responsibilities under article V will be carried out on a full-cost recovery basis and that projects under this article will be undertaken only when the best interests of the United States are clearly evident.

I might say that we had, I thought, very clear and positive statements, ver-

bally and by letter, from the chairman of the Atomic Energy Commission with regard to this point.

During consideration of the treaty, the committee was also aware of the potential problems in the safeguard field. There is no doubt that the credibility and reliability of international safeguard systems is still to be determined. The committee, however, was satisfied with the statements of Dr. Seaborg of the Atomic Energy Commission that the International Atomic Energy Agency safeguards system and staff would be more than adequate to carry out the IAEA's responsibilities under the treaty.

If Senators are concerned about this question of safeguards, they should bear in mind that this effort to extend international safeguards to the nuclear facilities of the countries who will sign this treaty brings to the international community something it has not had before. I consider this mandatory extension of the International Atomic Energy Agency's safeguards to the nuclear facilities of nonnuclear signatories as a significant advance in international affairs. Heretofore, IAEA safeguards have been applied only to projects receiving assistance from the agency or projects voluntarily placed under IAEA controls. Under this treaty these safeguards become a mandatory obligation of the non-nuclear signatories. The international community is, therefore, gaining a capacity to keep nuclear materials safe—something we did not have before.

Finally, I call Senators attention to article VII of this treaty. If the United States ratifies the Nonproliferation Treaty, this country will have undertaken a pledge, in good faith, to seek agreements that would limit nuclear arms competition between the major powers.

Article VI of the treaty is explicit on this point. The text reads:

Each of the Parties of the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date.

Sch an obligation on our part makes sense because we possess the largest arsenal of nuclear weapons and, therefore, bear a special responsibility for the prevention of a further escalation of the arms race. This special responsibility under article VI also makes sense because we have an important obligation to those nations capable of producing nuclear weapons which we are asking not to follow our example. Nonnuclear states signing this treaty are signing away the option to manufacture or acquire nuclear weapons for their defense. We can do nothing less than show our good faith by being responsive to the desires of the smaller powers to halt the nuclear arms race and to reduce existing nuclear arms arsenals.

It was the conclusion of the Committee on Foreign Relations that in order to give effect to article VI, it believes that the administration should consider deferring the deployment of new forms of strategic offensive and defensive missiles "until it has had time to make an earnest effort to pursue meaningful discussions with the Soviet Union.

In conclusion, the committee believes that the Nonproliferation Treaty now before the Senate represents an important beginning in controlling the further spread of nuclear weapons.

In my view, however, unless the signatories move swiftly to achieve a cessation of the nuclear arms race, the non-nuclear states which are being asked to abstain from that race will soon reconsider. If that happens, we will be accused by future generations of having given our advice and consent to a meaningless gesture.

Mr. President, it is because of my belief that the United States will meet all of its responsibilities under this treaty that I urge the Senate to give its advice and consent to ratification of the Nonproliferation Treaty.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Is there further debate on the treaty? If not, without objection, the treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on the Nonproliferation of Nuclear Weapons, signed in Washington on July 1, 1968, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and 53 other states (Ex. H, 90th Congress, 2nd session).

The VICE PRESIDENT. Debate on the resolution of ratification is now in order.

EXECUTIVE RESERVATION NO. 2

Mr. ERVIN. Mr. President, I send to the desk a reservation, and ask that it be read.

The VICE PRESIDENT. The reservation will be stated.

The legislative clerk read as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation that the United States does not obligate itself by this treaty to use its armed forces to defend any non-nuclear-weapon State or any member of the United Nations against any acts or threats of aggression even if such acts or threats are accompanied by the use or threatened use of nuclear weapons".

Mr. ERVIN. Mr. President, I am prompted to submit this reservation because of certain events which transpired in the United Nations Security Council meeting on June 19, 1968. These events transpired 11 days before the signing of the proposed treaty. On June 19, 1968, this resolution, Resolution 255, of the United Nations Security Council was adopted:

*The Security Council,
Noting with appreciation the desire of a large number of States to subscribe to the*

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Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. Welcomes the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. Reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

It will be observed that this resolution was passed by the Security Council for the purpose of emphasizing the fact that certain nonnuclear nations were desirous of signing the so-called Nonproliferation Treaty but were hesitant to do so because they feared for their safety in the event that they renounced the right either to make for themselves or to receive from nuclear powers some security against an act of aggression accompanied by nuclear weapons or a threat of aggression where the threat was that nuclear weapons would be used against them. They were rightly concerned with the surrendering of the right to make or to receive from others nuclear weapons for their self-defense.

As a result of this apprehension and concern, the United Nations passed this resolution. The United Nations Security Council emphasized in this resolution that an act or threat of aggression with nuclear weapons against a nonnuclear state would require immediate assistance.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. FULBRIGHT. Would it require that action under the U.N. Charter or under this treaty?

Mr. ERVIN. That is what I am concerned about.

Mr. FULBRIGHT. It is quite obvious they are talking about the charter, not this treaty. It is obvious that this treaty does not require the action the Senator refers to.

Mr. ERVIN. But if they had said in a more forthright manner, and had not used so many weasel words as they did in reply to this resolution, "We will give you such security and only such security as we are obligated by the Charter of the United Nations to give you," that would have meant one thing. It could not have been misconstrued. But from these weasel words and these numerous words that the United States did use in replying to this resolution, I believe that those nations would infer that the United States was pledging armed assistance to those nations if they would sign the Nuclear Treaty.

Mr. FULBRIGHT. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. FULBRIGHT. I do not see how the Senator can reasonably interpret it that way.

Let me read what the resolution says:

Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members would have to act immediately in accordance with their obligations under the United Nations Charter.

Those are the key words. This is a statement in the United Nations, and it does not refer to this treaty. It says "In accordance with the United Nations Charter." Why the Senator wishes to try to confuse whatever goes on in the United Nations with this treaty is beyond my comprehension. This treaty does not identify or adopt in any respect any part of the United Nations Charter by reference. They are entirely separate matters.

I confess that I do not see why the Senator wishes to confuse the issue by trying to inject into the treaty all the Charter of the United Nations.

Mr. ERVIN. If the Senator is firm in that conviction, he should accept this reservation, because the reservation says exactly what the Senator is saying.

Mr. FULBRIGHT. This proposed reservation has implications far beyond that, which I will mention in a moment. I do not want to go into that now. This reservation has interpretations which could be very inimical, for example, to our NATO Alliance. I do not believe the Senator wishes to cast doubt upon the NATO Alliance, for example.

Mr. ERVIN. No.

Mr. FULBRIGHT. But I think his reservation would.

Mr. ERVIN. If the Senator will read my reservation, I only mention this treaty. I do not undertake to say how we obligate ourselves in the NATO Alliance or under the Charter of the United Nations. I am just making clear that this treaty does not impose on us any obligation to go to war either in behalf of a nonnuclear nation or on behalf of a member of the United Nations.

Mr. FULBRIGHT. I agree with the Senator that it does not have any such implication at all. But as a reservation, distinguished from an understanding, it does attempt to change some substantive meaning of the treaty. Otherwise, it would not be offered.

Mr. ERVIN. I have an understanding phrased in the same words.

Mr. FULBRIGHT. I think it is equally superfluous. If the Senator wishes to isolate his reservation from applicability to NATO, it should also be isolated from the United Nations. It seems to me to be inconsistent. I do not see what purpose the Senator, has, other than to confuse the understanding of this treaty.

Mr. ERVIN. I am trying to make clear what the Senator from Arkansas says is the truth. That is what I am trying to do.

Mr. FULBRIGHT. It is quite clear to everyone else, including the Secretary of State. This is what he said. I refer to the present Secretary of State. We asked him about this, and this is his reply:

With respect to the broader question of security assurances, I wish to make clear that the Nonproliferation Treaty does not create any new security commitment by the United States abroad and that it does not broaden or modify any existing security commitments abroad. My understanding of the effect and significance of U.N. Security Council Resolution 255 (1968) and the related U.S. Declaration is in complete accord with that expressed in the committee's report on the treaty last September.

That is the interpretation of the present Secretary of State, which is the same as that of the committee.

Mr. ERVIN. Unfortunately, the Senator from North Carolina is not gifted with powers of interpretation of the Secretary of State. The Senator from North Carolina just wants to have the Senate say in its words that what the Senator from Arkansas says and the Secretary of State says is the truth. That is all the Senator wants. I am surprised that my good friend the Senator from Arkansas is not willing for the Senate to state what the truth is, as the Senator from Arkansas views the truth.

Mr. FULBRIGHT. I would like to go on for a moment into another aspect.

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. ERVIN. Mr. President, suppose I first read what the United States stated, and then I will be glad to return to the Senator from Arkansas.

Mr. FULBRIGHT. Very well. I did not wish to interrupt.

Mr. ERVIN. I wish to read what the United States said in response to this inquiry. That is what I call this resolution. There was an inquiry made of the United States, for all practical purposes.

Mr. FULBRIGHT. Does the Senator mean in the United Nations?

Mr. ERVIN. Yes, in the United Nations.

Here is what the United States said in reply on the same day in the same meeting of the United Nations Security Council:

DECLARATION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

(Made in the United Nations Security Council in explanation of its vote for Security Council Resolution 255 (1968))

The Government of the United States notes with appreciation the desire expressed by a large number of States to subscribe to the treaty on the nonproliferation of nuclear weapons.

We welcome the willingness of these States to undertake not to receive the transfer from

any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

The United States also notes the concern of certain of these States that, in conjunction with their adherence to the treaty on the non-proliferation of nuclear weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States.

Bearing these considerations in mind, the United States declares the following:

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking " * * * effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace * * * ". Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

The United States affirms its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the treaty on the non-proliferation of nuclear weapons that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

The United States reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

The United States vote for the resolution before us and this statement of the way in which the United States intends to act in accordance with the Charter of the United Nations are based upon the fact that the resolution is supported by other permanent members of the Security Council which are nuclear-weapon States and are also proposing to sign the treaty on the non-proliferation of nuclear weapons, and that these States have made similar statements as to the way in which they intend to act in accordance with the charter.

Mr. President, it is to be noted that this language refers expressly to article 5 of the Charter of the United Nations and states that under that article the United States reaffirms that any nation subjected to nuclear attack or threat of nuclear attack has a right individually and also collectively to take measures necessary to maintain international peace and security pending such time as the United Nations can take action.

What was the United States doing there, by insinuation, except to say that the nonnuclear nations under this treaty have a right to self-defense pending the

time the United Nations can act individually and collectively?

If I were a member of a nonnuclear nation and I read that, I would draw the deduction that the United States was impliedly agreeing that it would join the nation subject to attack or threatened attack in defending itself until the time the United Nations could take action, which might be, the way they debate things, about the time the last lingering echoes of Gabriel's horn trembled into ultimate silence.

A Philadelphia lawyer reading that might discover it did not put a new obligation upon us, that the United States was making a statement which was calculated, if not actually intended, to induce the nonnuclear nations to agree to the Nonproliferation Treaty. I think we have had less than that get us into war. We are in a war today, in a war in which over 32,000 American boys have been killed in South Vietnam. We were placed in that war by the act of a President of the United States. He did not have a single statement to make as strong as this as a reply of the United States to the resolution in the United Nations Security Council to justify his actions.

I am trying to make certain that no nonnuclear nation will sign this treaty under the misapprehension that the United States, by these words, has obligated itself to send our boys into battle again to die, without authorization from the Congress of the United States.

Frankly, I would confess that a Philadelphia lawyer would probably interpret this statement made on behalf of the United States and United Nations Security Council as the Senator from Arkansas does, and as the Secretary of States does; but there are some people, like the Senator from North Carolina, who cannot rest assured that that is the interpretation that will be given to it by a President of the United States; and, as the Senator from Arkansas says, he and the Secretary of State agree that this treaty does not impose any such obligation upon the United States, that it merely imposes an obligation assumed by the United States under the authority of the United Nations and under the agreements which brought into existence the NATO manifesto.

So, why not say it in plain words? Why not have the Senate say it in plain words, so that he who runs may read and not err in so doing?

I would say that anyone who is not skilled in the use of complex language could reasonably come to the conclusion that this treaty does impose upon us an obligation. If it does not, as the Senator from Arkansas say it does not, and as the Secretary of State says it does not, then why not make it plain so that simple-minded people like the Senator from North Carolina can so understand it?

Mr. CRANSTON. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am happy to yield to the Senator from California.

Mr. CRANSTON. I believe that the risk that there can be a misunderstanding of our obligations is a most serious matter. I believe that the Senator from North Carolina is rendering a great serv-

ice in making certain that there can be no such misunderstanding on this point.

The Committee on Foreign Relations considered this matter, as indicated in its report, and I should like to read from it, if I may, briefly:

In considering the resolution and its relationship to the pending treaty the committee sought to determine whether the Security Council resolution and the U.S. declaration in explanation of its vote commit the United States to any additional responsibilities other than those already assumed under the United Nations Charter.

The committee wishes to make it unmistakably clear that it considers the Security Council resolution and the U.S. declaration as separate and distinct from the Nonproliferation Treaty. This resolution and the accompanying declaration, are solely executive measures. However, because these actions are linked politically to the treaty, the connection could convey the impression that approval of the treaty by the Senate also means approval of the Security Council resolution. For this reason, the committee wishes to make the record clear that support of the Nonproliferation Treaty is in no way to be construed as approval of the security guarantee measures embodied in the United Nations resolution or the supporting U.S. declaration. It is appropriate, however, for the committee to express its interpretation of the United Nations resolution on security guarantees, since the pledge and resolution bear upon the constitutional right of the Senate to approve formal security commitments by the United States and upon the constitutional right of the Congress to declare war.

The committee is constrained to point out that, in its view, this United Nations resolution and its accompanying declaration in no way involve a ratification of prior commitments or establish new commitments. In the event that action is contemplated by the United States, by reason of its declaration in the Security Council, such action can only be taken with due regard to proper constitutional processes.

There is also in the record of the Armed Services Committee where the Senator from North Carolina was quizzing General Wheeler and posing the question, if the United States, pursuant to its obligations, brought before the Security Council and posed to it the question that an aggression had been committed, would we then be obligated to proceed to go along with the Security Council's resolution calling for action against the aggressor. General Wheeler replied as follows:

I would find nothing incompatible between calling the attention of the Security Council to the danger to world peace, and then vetoing any specific action that might be advocated by the Council.

Mr. President, in view of that clear record in the committee report, the record from General Wheeler in the Committee on Armed Services, and the record now being established on this floor, the Senator from California would like to ask the Senator from North Carolina if this does not make it clear enough to anyone who doubts that we are not committing ourselves in any further way by adoption of this treaty.

Mr. ERVIN. I do not think so. I think the message from the President of the United States transmitting the Treaty on Nonproliferation of Nuclear Weapons,

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signed in Washington July 1, 1968, engenders great confusion in this area.

The Senator from California knows, as does the Senator from North Carolina, that many of the nations on this earth, and their peoples, do not know anything about our constitutional system. They often hear it proclaimed by writers that the President has the power to conduct foreign affairs, but they do not have the fine knowledge which enables them to make a distinction between what the Senate of the United States does and what the President of the United States does and says, and also what the representatives of the United States in the United Nations Security Council do and say.

The very document that was sent to the Senate by the President of the United States, when he asked the Senate to ratify this treaty, has incorporated, right on the pages following the treaty, the statements which I have read, the United Nations Security Council resolution and the declaration of the Government of the United States in reply thereto. I see no harm that could be done by my reservation, which I am willing to alter into an understanding, because it would make clear to the nations that signed the treaty, and it would make clear to the American people, that the United States is not assuming any new obligations under this treaty, with respect to its Armed Forces, other than those it has assumed under the United Nations Charter and under agreements relating to NATO.

Having seen the United States, in my lifetime, placed into two wars by the President of the United States without action by Congress authorizing it, and realizing that 32,000 Americans have been killed in South Vietnam, I want to make this matter plain. I cannot see any reason why this reservation—which, as I say, if it were acceptable, I would be glad to change into an understanding—should be objected to.

If General Wheeler was right, and if the Secretary of State was right, and if the Foreign Relations Committee is right, in saying that this treaty does not impose any additional obligation on the part of the United States to go to war, I cannot, for the life of me, see any reason why anybody would object to the Senate of the United States saying the same thing, and saying that it placed the same interpretation upon these matters that the Senator from Arkansas places upon them, and that the Secretary of State placed upon them, and that General Wheeler placed upon them, and that the Senate Foreign Relations Committee placed upon them. If they had wanted to make the thing clear and avoid any possibility of misunderstanding, why did not the United States, in responding to the resolution of the United Nations Security Council, say, in plain and obvious and unmistakable English words, "We do not assume any obligations, by reason of this treaty, to use our armed forces other than the obligations we have already assumed under the United Nations Charter or under our agreements with the other NATO countries"?

Instead of doing that, we have used a multitude of words, and one can almost read this without seeing any reference to the United Nations, because it takes only about one one-thousandth of the number of words that are used in the reply of the United States to the United Nations Security Council.

I certainly read those words to impose an implied obligation on the part of the United States, and I think anyone, other than a Philadelphia lawyer, or a Secretary of State, or other man unusually gifted, would probably follow the same course. At least, it causes us confusion, and if we can avoid confusion, we ought to do so.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. FULBRIGHT. I think the Senator, with all respect, is the one who is about to cause confusion. The Senator's modesty about my being a Philadelphia lawyer or likening me—

Mr. ERVIN. If the Senator will pardon me, I never accused the Senator of being a Philadelphia lawyer. I will put him on the intellectual plane and philosophical plane of the Philadelphia lawyer.

Mr. FULBRIGHT. The Senator professes his lack of skill. I believe he called himself a simple-minded fellow from North Carolina. Everybody recognizes him as the most astute constitutional lawyer in this body, and he has dealt with these matters very successfully. I do not accept that characterization at all. He is a former judge, with extremely subtle reasoning.

The Senator from North Carolina is offering this proposal in either alternative: reservation or understanding. If he is not intending to change the meaning of the treaty, his language is superfluous. If he is trying to change it, we would like him to say in what way he is trying to change it. I do not think it ought to be changed.

The Senator cannot find one word in this treaty that in any way refers to our Armed Forces, in any respect, and yet he is trying to inject into this treaty concepts of the United Nations Charter, which is a very complicated character. There is nothing in this treaty that incorporates by reference the United Nations Charter, and there is nothing in this treaty which refers to the use of our Armed Forces in any way, under any circumstances, that I am aware of.

What the Senator is doing is raising a question by implication, if his words mean anything at all, if they are not utterly meaningless. It should be made clear whether they have any meaning at all. Some people will think they mean something. If they mean something, even what the Senator says they mean, I can well imagine that the members of the North Atlantic Treaty, which is the one treaty which has had, and still has, very general support in this country and elsewhere, might raise questions.

Take two of our allies, for example, Italy and Germany, we consider them very important in many respects. If the Senator's language means anything, they

could reason that by this pronouncement accompanying a later treaty, a treaty later than the NATO treaty, we are undertaking to weasel about our obligations to treat an attack upon them as an attack upon us. In other words, we are putting in a qualification. And the Senator, in his effort to avoid a commitment, is casting doubt upon a preexisting commitment. If we want to do that, we ought to do it in a direct way, and not in this indirect way. I think it raises a possibility of misinterpretation if we adopt this language.

Mr. ERVIN. If the Senator will yield, I think the Senator from Arkansas has taken a very simple statement made by me and misapplied it.

Mr. FULBRIGHT. I protest again. The Senator is not that simple. He is not simple minded in any respect. He is an accomplished and subtle lawyer. He has been an accomplished lawyer for many years. I hesitate to engage him in debate, because I know he had a good advantage. Nevertheless, I submit, on the one hand he says he is saying what the treaty says; he is not seeking to change it. If he is not changing the substance of the treaty by this proposal, but is merely saying that we should accept it because it means nothing, I think that could lead us into a great disservice and a great mistake. I do not think it means anything. I have said that. I think the Senator is reiterating what is explicit—if not explicit, certainly implicit—in the treaty. Two Secretaries of State, not only Secretary Rogers, but Secretary Rusk, both in the former hearing and in the recent hearing, said the same thing. For the Record, I would like to read what Secretary Rusk said last year. Let me read the colloquy which appears on page 15 of the hearings of last year:

Senator SPARKMAN. Let me ask you this question: Does the Security Council resolution and the U.S. declaration commit the United States to any additional responsibilities other than those already assumed under the United Nations Charter?

Secretary Rusk. I would think not, Mr. Chairman, both as a matter of law and as a matter of policy.

There is more, but I shall not read it. It appears on page 15 of the hearings last summer.

I content that the Senator raises a question which could be misinterpreted. I submit that any reservation that is not really substantive, one that it is said should be put in because it does not mean anything, should not be put in a treaty of this kind, because it is an invitation to every nation, especially some of the 40 nations who had reservations about signing away their right to develop this process, may say, "We signed it, but now with this reservation or understanding in it, we will reconsider."

We have deliberated a longer time than was anticipated in giving approval to ratification of the treaty. Certainly the two other major nuclear weapons powers, might misunderstand this as an attempt on our part to weasel on our obligations under the treaty, under the United Nations. I do not think we ought to accept a reservation that is meaning-

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less. It could mean a great deal, especially with regard to NATO, as I have just mentioned.

Mr. ERVIN. Mr. President, without intending to do so, the able and distinguished Senator from Arkansas has just made a fine speech in support of my desire to have this reservation adopted by the Senate.

I wish Senators would look at what is involved here. Here is all of this Philadelphia lawyer talk in the United Nations Security Council resolution and in the reply of the U.S. Government. That covers 89 lines. I do not know how many hundreds of words it includes.

The Senator from Arkansas says that nobody could possibly misunderstand their meaning. Those 89 lines, in more or less diplomatic and legal gobbledygook, he says, cannot be misunderstood by anybody.

Mr. FULBRIGHT. No, the Senator misunderstood me. I am talking about the treaty not about the declaration. The declaration is no part of the treaty. I am not trying to justify that.

Mr. ERVIN. I should like to know why the President of the United States saw fit to send these things down here with the treaty. If they have no relationship to the treaty, that is just more confusion.

Mr. CASE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CASE. I think the answer to that is a very simple point, namely this: The President wanted the Senate to have before it when it acted upon the treaty the whole background and knowledge of the fact that there were surrounding facts in the negotiation of the treaty and in its consideration by this country and by the other countries of the world. I think it is a very simple answer.

Mr. ERVIN. Yes, it is. Entirely too simple, I think.

Mr. CASE. The Senator has, as the Senator from Arkansas pointed out, a subtle mind, but will he not share his intuitions with those of us whose minds operate in simpler fashion?

Mr. ERVIN. If I asked the Senator from New Jersey what security I was going to have, and the Senator from New Jersey said, "You have the right of self-defense and you have the right to have the assistance of other people," I would take that as meaning that the Senator from New Jersey was encouraging me to believe I was going to have his assistance if I were attacked.

Mr. FULBRIGHT. But it says, if I may be permitted to interrupt, "in accordance with the United Nations Charter."

That is a statement of fact, that we are members of the United Nations and are committed to abide by the United Nations Charter. Of course, those obligations are many and varied, but in this connection, the use of our Armed Forces is subject to the veto. As General Wheeler said, nothing that comes out of that United Nations Security Council comes out except subject to our veto. If we do not wish it to come out, it will not, and any such obligations are subject to that.

Mr. ERVIN. Well, I would say, Mr. President, that nobody would need 89

lines to say that. If all we are saying is, "You have such security as you are entitled to receive under the United Nations Charter," why takes 89 lines to say it?

Mr. CASE. Will the Senator permit one observation at this point?

Mr. ERVIN. Yes.

Mr. CASE. I should like to hear the Senator complete his statement, and I shall surely read it in the RECORD, but I am called away.

I should like to point out, however, as the chairman has already done, but to emphasize the point, that this whole question, the effect of the treaty, the effect of our voting for the resolution in the United Nations, the effect of the declaration, were all matters of the greatest concern to the Committee on Foreign Relations. We went into the matter several times from every possible angle, and satisfied ourselves, as the chairman has stated, that no commitments are being made by this treaty in respect to the use of the Armed Forces of this country, that were not already in existence, and that Senate ratification of this treaty, beyond that point, does not and will not constitute the affirmation or approval of any commitment made by the President or the executive branch of the Government.

If I may inject a personal note here, in addition to those matters that have already been referred to, the former Secretary of State, Secretary Rusk, agreed with the interpretation that I offered on one occasion, that the pending treaty would in no way "eliminate the necessity for adoption of whatever constitutional processes may be applicable in the event the question arises as to the use of the Armed Forces of the United States in the future."

I think that the chairman of our committee, the Senator from Arkansas, is absolutely correct when he says that to make a great point of saying something that need not be said arouses all sorts of questions that ought not to be raised, and that it may have a very serious effect upon our relations with the other parties or putative parties to this treaty.

Mr. ERVIN. I am just trying to say what the Senator from New Jersey says is the truth, and I cannot see any valid reason why the Senator from New Jersey would object to the Senate saying amen to what the Senator from New Jersey says. That is what my reservation would do.

Mr. CASE. If the Senator will permit me, I think the best way that can be done is to vote "yea" without reservation, without understanding, because the simple words of the treaty itself, plus the record that we have made in our committee and have laid before this body, make it absolutely clear that approval of the treaty by the Senate has none of the effects that the Senator from North Carolina and all of us have imagined might be the case, which required our deep consideration and investigation, as a result of which we bring to the Senate the unanimous satisfaction of our committee on this point.

Mr. ERVIN. As I say, the Committee on Foreign Relations took 20 pages to

talk about this matter and other matters germane to the same.

Mr. CASE. As the Senator says, other matters.

Mr. ERVIN. And there is a whole lot more danger of a mistake when you have to go through 20 pages to find out what is meant instead of three or four lines.

We once had a case on appeal before the Supreme Court of North Carolina, while I happened to be a member of that court, in which the record showed that the judge took 4½ hours to charge the jury. Our chief justice, who was a very wise man, said he did not believe anybody could talk 4½ hours without committing error.

I think when you talk for 20 pages, you are the more likely to give cause for misunderstanding. In fact, I do not know why they had to elaborate on this so much, in a 20-page report, if there was not some basis for the feeling that I have that this can be interpreted, or may be interpreted, as a pledge of the United States to go to war for any nonnuclear nation which signs this treaty, or any nation which becomes a member of the United Nations.

The Senator from Arkansas said it was impossible for anybody to misunderstand the meaning of the 89 lines involved in the United Nations Security Council resolution and the response of the United States thereto; but he says that some of our NATO allies may misunderstand these few simple words in the proposed reservation. They cover only six lines, and here is all they say:

Subject to the reservation that the United States does not obligate itself by this treaty—

Now, what treaty am I talking about? The Nonproliferation Treaty. That is the only treaty I am talking about. I am not talking about the United Nations Charter, and I am not talking about NATO. Not a word is said about any other obligation under any other treaty, but the reference is to this treaty, the Nonproliferation Treaty—

the United States does not obligate itself by this treaty to use its armed forces to defend any non-nuclear-weapon State or any member of the United Nations against any acts or threats of aggression even if such acts or threats are accompanied by the use or threatened use of nuclear weapons.

There are six short lines written in plain English. They are not written in legal gobbledygook or any legal meanderings. There are six short lines. If they can be misinterpreted by the rulers of Italy, I conclude that these other 89 lines can also be misinterpreted.

Mr. CASE. Mr. President, I wonder if the Senator, by his proposed reservation, may not be forgetting some of the other concerns that the Foreign Relations Committee dealt with here. For example, it was not necessary in our judgment if it were proven that the treaty did not obligate us to use our Armed Forces under any circumstances whatever. It did not say so, and the Foreign Relations Committee, faced with a treaty that says this is a black rose, did not have to add a reservation to the effect that this means it is not a red rose.

That seems very clear. It is unnecessary to be concerned about it. We were

concerned about some of the events which had taken place prior to our receipt of the treaty from the executive branch. One was a resolution in the United Nations Security Council. Another was a declaration. We went into these matters and the effect on the Senate's ratification of the treaty beyond those actions, and whether the Senate ratification of the treaty could be considered possibly to be a grant of power to the executive branch to do in the future what it did not have the power to do under the Constitution, without congressional approval.

These were the kinds of things that were far more important than doing what the Senator would do by his reservation, which we think we have dealt with adequately and fully. I believe that the adoption of a resolution of the type suggested by the Senator from North Carolina might very well raise a question as to whether, not saying anything about these matters, he was approving them, and that the Senate, not saying anything about these matters when it made a reservation about something it was completely unnecessary to make a reservation about, was not passing them over and getting us into deep water.

Mr. ERVIN. Mr. President, I say to my good friend, the Senator from New Jersey, that, like the Senator from Arkansas, he has just made an argument which shows why my reservation ought to be adopted by the Senate.

He called attention to the fact that when they received this statement from the President of the United States along with the treaty containing the resolution of the United Nations Security Council and the reply of the U.S. Government to that resolution, the Committee on Foreign Relations was so concerned about the question of whether the United States has assumed the obligation to go to war under the treaty that they investigated that question.

Mr. CASE. Not under the treaty.

Mr. ERVIN. And after they investigated that question, they undertook to write out a long report in which they emphasized their view that it did not do so.

If the Foreign Relations Committee was puzzled by that question, then people who do not speak our language can become confused or can tend to be confused about it.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. FULBRIGHT. Mr. President, I think the Senator may be confused about another matter that might be before the Senate.

Mr. ERVIN. I am glad the Senator said that. A while ago the Senator said that I could not be confused about this. I am confused about it. And I think that the Foreign Relations Committee was confused about it, or it would not have investigated the matter and written a long report on it. I plead guilty to being confused.

Mr. FULBRIGHT. I think the Senator is confusing two different things. The Foreign Relations Committee is deeply interested in the question of commit-

ments. Last year it voted on a resolution, called the commitments resolution, which I introduced. I believe that the distinguished Senator from North Carolina then expressed his approval of it. We talked about it.

Mr. ERVIN. The Senator is correct. And I would vote for it right now.

Mr. FULBRIGHT. That resolution is again before the committee, and I hope to take it up very soon. The committee is very sensitive about any commitments being made by the Executive by any such informal or casual statements, wherever they may be made. In that sense, the committee has already evidenced its interest. However, the point is that in the Nonproliferation Treaty the commitments, of course, are in accord with that resolution. In other words, this is a case—whatever the commitments contained within the treaty are—being made in accordance with the Constitution. That is what we are engaged in today—the procedure set out in the Constitution.

The point I make is that the committee is not confused at all that this treaty incorporates by reference what was said in a conversation or a speech by a member of the executive branch in a meeting in New York. We reject that as being a genuine commitment. That is the point of the resolution of which I am the author. It is to prevent that. What I am saying about our interpretation is entirely consistent with the theory of that resolution.

Mr. ERVIN. Mr. President, the Senator's illustration which cites the sense of the Senate resolution is another illustration of the wisdom of adopting my reservation. That reservation deals with the confusion that has grown up out of the words of the Constitution, under which the President claims he has certain powers. The Senator from Arkansas and I deny that he has them.

I have six little words here to keep down the confusion and not increase it. And for the life of me, I cannot understand why the Senator would object to the entire Senate or two-thirds of the Senate, or whatever number may see fit to vote for my reservation, saying amen to this.

Mr. FULBRIGHT. I am perfectly willing to say amen to the debate in the Senate. I agree to what the Senator says. However, I object to it as a matter of procedure, being attached to the treaty. This raises very serious procedural questions.

Some nine countries have already passed upon the treaty, among which the most important and largest is the United Kingdom. It is one of the three indispensable members. They attached no reservation. They did not change it in any respect.

I think this is a procedural matter, and it raises a very serious problem.

This question has arisen in the consideration of nearly every treaty. It was considered in the Test Ban Treaty and the Antarctic Treaty. We always go over this matter.

Whenever it involves a substantive change and the Senate is not in accord with the substance of a treaty, a reservation is then proper. And we submit the

matter to a vote. Everybody is then on notice that we have undertaken to change, in effect, the treaty. That usually calls for renegotiation and reconsideration by everybody.

The Senator, however, is offering an interpretation which he says is really an interpretation. I agree with the interpretation. I disagree, not with the meaning of the words, but with the procedure of attaching it as a reservation to the treaty.

I do not think it is very significant as to how much attention the committee paid to this.

The committee really should always deal with anything of this character and nature that is bruited about. It was well known that the question was raised. Therefore, the committee ought to deal with it.

That is what that meant. It did not mean any uncertainty in the minds of the committee about what the committee means.

Mr. ERVIN. Mr. President, I could talk longer. I think, however, that what has been said here indicates that there was some confusion about the meaning of the treaty in the Committee on Foreign Relations. There was some confusion about the meaning of the treaty in the Senate Armed Services Committee concerning the military aspects of the matter.

I think that this is a very simple reservation. It states that that is what we think it means. It seems to me that cannot militate against the Foreign Relations Committee or the Security Council or anyone else. It states their position. I think they ought to welcome the support, regardless of the source.

Mr. FULBRIGHT. Did I correctly understand the Senator to say that the Committee on Armed Services had recommended a reservation?

Mr. ERVIN. The Armed Services Committee looked at the military aspects of it, and the Armed Services Committee took no official position with respect to it.

Mr. FULBRIGHT. That is my understanding.

Mr. ERVIN. I believe a number of members of the Armed Services Committee share the views I have about this matter—that this resolution and an answer to the resolution and what has happened before have caused confusion and misunderstanding and may continue to do so unless clarified by an appropriate reservation or understanding.

Mr. FULBRIGHT. I regret that the members do disagree. As the Senator knows, no member of the Senate Committee on Foreign Relations voted against—in fact, the vote was 14 affirmative, and one member did not vote against it. He voted "present."

Mr. ERVIN. The last time this matter was considered by the Committee on Foreign Relations, a report was submitted by a number of Senators, most of whom have left the Senate since that time, most of whom were exceedingly wise men.

Mr. FULBRIGHT. But those matters have been clarified, obviously.

Mr. ERVIN. I am trying to clarify it a little more.

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I yield the floor.

The PRESIDING OFFICER. Is there further discussion of the reservation?

Mr. FULBRIGHT. I ask unanimous consent to insert relevant memoranda and communications on the subject of treaties and reservations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESERVATIONS AND UNDERSTANDINGS: PAPER PREPARED BY THE STAFF OF THE FOREIGN RELATIONS COMMITTEE

As the Senate uses the language of "understanding", the implication is that the contractual relationship is not being changed, only clarified. So long as the language of the "understanding" does not substantively affect the international obligations of the Treaty or relates solely to domestic matters there would be no legal effect on the Treaty.

On the other hand, a reservation limits the obligations of the United States under the Treaty. It may be of such significance as to lead other parties to file similar reservations or even to refuse to proceed with ratification.

Senator Ervin has presented his change to the resolution of ratification in both the form of a reservation and an "understanding"—although the text is identical. Senator Tower has presented his simply as a reservation.

What must be established in both cases is whether the content or effect of the statements affect the terms of the international obligations of the Treaty. If this is the case, the following procedural points are appropriate:

1. A reservation by one of the Depositaries would certainly lead other signatories to believe that reservations are in good form.
2. A U.S. reservation would have to be acquiesced in by the other two Depositaries: The U.K. and U.S.S.R.
3. The terms of the Treaty provide that it will enter into force when instruments of ratification are deposited by the three Depositaries plus forty other states. Accordingly, a reservation by any of the three Depositaries, even if accompanied by the other two, would have to be acquiesced in by forty other states.

In conclusion, if the statements of Tower and Ervin have the content or effect of a reservation the net result of these reservations to the Treaty might make it necessary to start the negotiation process all over again.

DEPARTMENT OF STATE,
Washington, D.C.

Mr. CARL M. MARCY,
Chief of Staff, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. MARCY: I have reviewed the enclosed materials which I understand were furnished to the Committee by ACDA and I concur with them.

Sincerely yours,

LEONARD C. MEEKER,
Legal Adviser.

COMMENTS ON SUBSTANCE OF PROPOSED ERVIN UNDERSTANDING

This understanding is unnecessary, since there is nothing in the treaty itself that could possibly be construed to impose an obligation on the United States to use its armed forces for any purpose.

To the extent that it is aimed at the separate UN Security Council resolution and accompanying US declaration, a close reading of those documents will show that:

They do not commit us to take any military action;

They go no further than the UN Charter, except to say we will immediately call a Security Council meeting in certain circumstances;

They do not remove our veto power in Security Council, or in any way affect US constitutional requirements with respect to international military commitments; and

They preserve, but do not commit us to exercise, the right of individual and collective self-defense.

These points have been made clear by testimony of two successive Secretaries of State and in reports by the Foreign Relations Committee in both the 90th and 91st Congresses.

COMMENTS ON SUBSTANCE OF PROPOSED TOWER RESERVATION

(As printed at page 2044 of CONGRESSIONAL RECORD for February 25, 1969)

1. Insofar as it seeks to preserve the right to provide nuclear weapons under US custody and control, (or training of allied forces in their use) the reservation is unnecessary, since the treaty would not prohibit such an arrangement.

2. Insofar as it seeks to preserve the right to provide other materials—such as delivery systems—for such a nuclear defense, it is likewise unnecessary, since the treaty does not deal with such other materials.

3. Insofar as it seeks to carve out a right to provide nuclear weapons in peacetime, free of US custody and control, to regional defense organizations, we have never had this right under US domestic legislation, and do not have it now.

4. A reservation for the purpose indicated in 3 would be in direct contravention of one of the principal provisions of the treaty, and hence would wreck the treaty.

5. Limiting of the reservation to weapons provided for "nuclear defense" is illusory, since there does not exist a nuclear weapon that can be used purely defensively. If one could be invented, other countries would have little confidence in its purely defensive character. Moreover, if we allowed non-US personnel to maintain the weapons, sensitive weapons design data would be compromised.

6. No nuclear defense system that would effectively protect our NATO allies against the Soviet threat has yet been designed, and none of our allies has indicated that it wants such a system.

DISTINCTION BETWEEN RESERVATION AND UNDERSTANDING

Section 124 of the Restatement of the Foreign Relations Law of the United States defines a reservation as follows:

"A reservation is a formal declaration made by a signatory before it becomes bound by an international agreement, that the agreement will not be binding upon it except upon terms that it regards as changing the effect of the agreement under international law."

It contains the following pertinent comments:

"a. Purpose of reservation. A reservation to an international agreement is made by a signatory when it wishes to specify as a condition of its becoming a party that one or more provisions of the agreement shall not apply to the reserving signatory, or shall apply only under specified circumstances or in a specified way.

"c. Unilateral statement of understanding distinguished. A party may make a declaration which indicates the meaning that it attaches to a provision of an agreement but which it does not regard as changing the legal effect of the provision. Such a unilateral statement of understanding, if it does no more than state with greater precision the meaning of the provision without changing its legal effect, is not a reservation but is an interpretative statement or understanding. It is relevant only to interpretation of the agreement....

"Even though not intended to have legal effect as modifying an international agree-

ment, a unilateral statement of understanding may be so objectionable to the other state as to cause it to refuse to ratify the agreement, or make a reservation contradicting the statement. This would force the first state to take a position as to the international legal effect of its declaration not originally intended by it to have that effect. In practice unilateral statements of understanding are sometimes used as a convenient way of reserving issues of interpretation on certain aspects of the agreement not immediately material to the objectives of the parties but as to which there might otherwise be domestic difficulties as to ratification or implementation. In such instances a unilateral statement of understanding is actually of mutual interest to the parties and is tolerated for that reason, but without enlarging its strictly interpretative character."

JULY 20, 1968.

Mr. CARL MARCY,
Chief of Staff, Committee on Foreign Relations, Washington, D.C.

DEAR CARL: You have asked for an explanation of the effect that a reservation to the Non-Proliferation Treaty could have on the ratification process, and on the viability of the treaty itself.

I believe the following observations are relevant to this inquiry:

1. A reservation by one of the Depositaries would certainly be considered by other signatories as a sign that reservations are in good form. This would very likely start a stampede which might well mean the demise of the treaty.

2. A U.S. reservation would have to be acquiesced in by the other two Depositaries, the U.K. and the U.S.S.R. If these countries should object to a U.S. reservation, they might well withhold their own ratifications, thereby preventing the treaty from coming into effect.

3. The terms of the Treaty provide that it will enter into force when instruments of ratification are deposited by the three Depositaries plus forty other States. Accordingly, a reservation by any of the three Depositaries, even if accepted by the other two, would have to be acquiesced in by forty other states.

4. Even if the treaty came into force with a U.S. reservation, states objecting to the reservation could well take the position that the text as modified by a U.S. reservation was different from the text they had signed. Article 17(4)(b) of the International Law Commission's Draft Law of Treaties states that "An objection by another contracting State to a reservation precludes the entry into force of the treaty as between the objecting and reserving States unless a contrary intention is expressed by the objecting State." Therefore, any state that objected to a U.S. reservation could claim that since the treaty did not enter into force between it and a Depositary (a necessary party), the treaty is not in force for it at all. This might have the effect of preventing accession to the treaty by many of the states whose participation in it is considered important.

In conclusion, it is my considered judgment that the net result of a reservation to this treaty would be to make it necessary to start the negotiation process all over again.

The Office of the Legal Adviser of the Department of State concurs in the foregoing views.

Sincerely yours,

ADRIAN S. FISHER,
Acting Director.

(NOTE.—The following material is from the document: "Background Information on the Committee on Foreign Relations," committee print, January 1968: page 27 and following.)

TREATIES

Treaties constitute a large part of the committee's work. In recent Congresses the

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number of treaties submitted for approval has averaged about 20 per Congress.

Senate responsibility in the field stems directly from article II, section 2(2) of the Constitution, which states that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur."

In performing this function, the Senate has several options. Normally, the procedure for unconditional approval of a treaty is by adoption of a resolution of advice and consent to ratification which in the case of the nuclear test ban treaty reads as follows:

"Be it resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty banning nuclear weapon tests in the atmosphere, in outer space, and under water, which was signed at Moscow on August 5, 1963, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics."

Reservations, understandings, amendments, etc.

The Senate may, however, reject a treaty in toto, or stipulate conditions in the form of amendments, reservations, understandings, declarations, statements, interpretations, or statements in committee reports. For example, the Statute of the International Atomic Energy Agency was approved subject to an "interpretation and understanding." In that case, so that no uncertainty would exist as to whether the United States might be obligated by some future amendment that the Senate saw fit to reject, the resolution of ratification was approved " * * * subject to the interpretation and understanding, which is hereby made a part and condition of the resolution of ratification, that (1) any amendment to the Statute shall be submitted to the Senate for its advice and consent, as in the case of the Statute itself, and (2) the United States will not remain a member of the Agency in the event of an amendment to the Statute being adopted to which the Senate by a formal vote shall refuse its advice and consent."

This "interpretation and understanding" in no way affected the international obligations of the United States. It was, however, made a part of the operating instrument of ratification and Presidential proclamation and circulated to the other parties to the treaty with the following statement:

"The Government of the United States of America considers that the above statement and understanding pertains solely to United States Constitutional procedures and is of purely domestic character."

The Senate also approved the NATO Status of Forces Agreement subject to an "understanding." Article III of that agreement provided that under certain conditions members of a military force were to be exempt from passport and visa regulations, from immigration inspection, and from regulations on the registration and control of aliens. The effect of article III on U.S. immigration laws was not entirely clear, and in order to remove all doubt about the matter and to make sure that the United States could take appropriate measures to protect its security, the following language was made part of the resolution of ratification:

"It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the agreement, that nothing in the agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States."

This "understanding" was also included in the instrument of ratification and the Presidential proclamation which was circulated to the other parties to the agreement. Here again, however, it had no effect on the international obligation of the United States.

Another, and perhaps better known, case involves the so-called Connally reservation to the compulsory jurisdiction clause of the Statute of the International Court of Justice. In that instance the Senate gave its advice and consent to the deposit by the President of a "declaration" under paragraph 2 of article 36 of the statute—the so-called "optional clause." By accepting the "optional clause," the United States agreed that in certain types of legal disputes it would recognize the compulsory jurisdiction of the International Court of Justice. However, in accepting that jurisdiction, the Senate stated that it did not apply to matters essentially within the domestic jurisdiction of the United States as determined by the United States. The "Connally reservation" was communicated to other parties and the obligation of other parties with respect to the United States is no greater than that assumed by the United States.

As a practical matter, if the Senate attaches a "reservation" to its resolution of advice and consent, the inference is that the contractual relationship is being changed. However, if the Senate uses language of "understanding," the implication is that the contractual relationship is not being changed, only clarified.

Irrespective of what term is used to describe a condition imposed on a treaty, however, the view of the U.S. Government when it serves as a depositary is that the content or effect of the statement is of prime importance. If, despite the designation, the executive branch believes that the condition has the actual character and effect of a reservation, it would be so treated and thus would open the treaty to further negotiation.

A distinction should be made between an "amendment" and a "reservation." The difference between the two is that an amendment, if it is accepted by the President and the other party or parties to the treaty, changes it for all parties, whereas a reservation limits only the obligation of the United States under the treaty, although a reservation may, in fact, be of such significance as to lead other parties to file similar reservations or, indeed, to refuse to proceed with ratification of the treaty.

In summary, therefore, and in order of importance so far as the effect on other parties is concerned, the Senate might take the following steps to make its views known or to qualify its consent to ratification of a treaty:

(1) The Senate may advise and consent to ratification, but make its views known in the committee report. This would have no more nor less legal effect on the treaty than other negotiating background or than "legislative history" has on public laws.

(2) The Senate may include in its resolution language expressing its "understanding" or "interpretation." So long as this language does not substantively affect the terms or international obligations of the treaty, or relates solely to domestic matters, there would be no legal effect on the treaty. Under existing practice, however, the executive would communicate such understandings or interpretations to the other parties.

(3) The Senate may include in its resolution language expressing its "reservation." Normally reservation language would involve some change in the international obligations of the treaty and might affect its terms in such a significant manner as to require the executive to communicate the terms of the reservation to other parties to the treaty, thus enabling them to take such action as they felt appropriate, including reservations of their own or even refusal to proceed with the treaty.

(4) Finally, the Senate may "amend" the terms of the treaty itself. In this instance, there would be no question but that the treaty would need to be renegotiated.

Mr. CRANSTON. Mr. President, I should like to address a question to the chairman of the committee.

Was it the statement of the Senator from Arkansas that thus far no reservation has been attached to the treaty by any ratifying nation?

Mr. FULBRIGHT. There are 87 signatures. Nine have deposited their ratifications, including the United Kingdom, and there have been no reservations of this character—of any character—attached by any of those who have ratified it.

Mr. CRANSTON. Is it the Senator's judgment, based on passed history, that attachment by the United States of one or more reservations to this treaty could lead to a proliferation of reservations by other nations which could endanger the acceptance of the treaty by an adequate number of nations?

Mr. FULBRIGHT. It obviously would raise the question. It would be a precedent for those who have reservations about whether or not they want to sign it, for various reasons. There are a number, particularly the nonnuclear states and those who are about to become or think they have the capacity to become nuclear states, who have reservations about wanting to sign it, because it obviously is an infringement upon their independence and their right to do as they please about this matter. I believe it would give those who have already signed it an out, by saying, "Well, we must reconsider it if the United States has a reservation." There are some who have not signed it, but among those 87 it would give them an opportunity to say, "We reconsider it, in view of this purported change by the United States." I do not believe they would be justified in that, but it would be a change which would at least raise the question, and it would be a precedent for them to attach their own reservations to it.

I have said that I do not object to the substance of what the Senator from North Carolina has said. His interpretation is the same as mine. I object to the procedure.

This situation has arisen in the case of nearly every treaty that has come before the Senate. Everyone wishes to make clear some of his own views about it. But unless there is real significance and unless there is serious doubt about it, I do not believe reservations should be attached. It is poor procedure. It does raise doubts. It implies the treaty is not clear. I believe it is clear. Not one word in the treaty has reference to our use of the Armed Forces. It has only to do with stopping the proliferation of these weapons. It does not have anything to do with the use of our Armed Forces. There is no restriction or inhibition or obligation in this treaty as to the use of our Armed Forces. We use our Armed Forces just as we do now. This treaty does not attempt to deal with that. It is just trying to stop the spread of nuclear weapons, and that is all.

Mr. ERVIN. People frequently misunderstand things, do they not?

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Mr. FULBRIGHT. The Senator is quite correct.

Mr. ERVIN. If this treaty had been so plain, there would not have been any necessity for the extensive consideration of this possibility by the Committee on Foreign Relations, would there?

Mr. FULBRIGHT. Well, one reason is that I had heard that the Senator from North Carolina was going to raise this question; and in order to anticipate it, obviously, I thought it my responsibility to give attention to it.

The Senator will recall a little exchange we had at a luncheon one day. The Senator was not giving notice. He was discussing this matter. He said he was concerned about it. I thought it would be proper to go further into it, and I asked the staff to look up all these things.

I know that the Senator is a very able advocate, and any time he chooses to advocate anything like this, one has to go all out.

Does the Senator recall our conversation at luncheon?

Mr. ERVIN. I do.

Mr. FULBRIGHT. The Senator said he was concerned about this, and I thought it was my duty to undertake to clarify it. No one else had raised this matter. But the Senator is such a persuasive and important Member of this body that he deserves special attention, and we gave it that in this report.

Mr. ERVIN. Many of the nations that would adhere to this treaty or would consider adhering to it are composed of people who in a large measure speak other than the English language.

Mr. FULBRIGHT. The Senator is correct.

Mr. ERVIN. As illustrated earlier, the Senator introduced his sense-of-the-Senate resolution because of confusion on the part of the President of the United States and some Members of Congress about the respective interests of the President and Congress—and particularly the Senate—in foreign policy. If people who speak the same language as their mother tongue can become confused about things like that, it is quite possible, is it not, that people who speak other tongues might be confused?

Mr. FULBRIGHT. I do not believe it is so much confusion on the part of the executive branch with regard to the resolution as it is that they simply feel it their duty to take over this power. The Senator will recall that the former Attorney General, Mr. Katzenbach, when he was Under Secretary of State, said before the committee that he was not confused about the power of the President to act without Congress. He was just dead wrong, in my view, as to his interpretation of the Constitution.

Mr. ERVIN. I agree. And this treaty will have to be implemented by the executive branch of the Government, which likes to make excuses to assume further power.

Mr. FULBRIGHT. The proper place to do that is in the sense-of-the-Senate resolution, and I hope the committee will vote favorably on that within the next few days; and before this treaty becomes

effective, I hope the Senate will adopt that resolution. It will be a warning.

Mr. ERVIN. It has not been reported yet.

Mr. FULBRIGHT. It has been introduced.

Mr. ERVIN. We could take a good stride in that direction by just adopting this reservation.

Mr. STENNIS. Mr. President, I ask the Senator from Arkansas whether this is a convenient time for me to ask him some questions.

Mr. FULBRIGHT. Certainly.

Mr. STENNIS. As the Senator from Arkansas knows, the Committee on Armed Services had some informal and unofficial hearings on this matter. We did make a special examination of competent witnesses, and went into the question of any implications in this treaty that put our military preparedness at any disadvantage or put any limitations on it.

Frankly, after going into the matter from that viewpoint, primarily, and considering the testimony of competent witnesses, I was satisfied that it does not put any limitations upon our capacity or our freedom—no roadblocks or disadvantageous situations of that type—with reference to our present or future preparedness in the military field. I am glad to state that on the floor of the Senate. The Senator from Arkansas had that opinion beforehand.

Also, as I understand now, in the case of an urgent emergency, involving our security or safety, we can abrogate or come out from under the terms of the treaty, or give 90 days' notice without stating any reason. That is correct, is it not?

Mr. FULBRIGHT. That is correct. But, of course, as the Senator has already stated, there is no inhibition in the treaty on the use by the United States of its Armed Forces.

Mr. STENNIS. Oh, no.

Mr. FULBRIGHT. So I cannot quite anticipate what kind of situation would arise under which we would want to take such action. There may be other reasons, such as a violation by another country, which might cause us to want to abrogate the treaty, but I do not think they would arise from the use of our Armed Forces.

Mr. STENNIS. No; with the treaty in effect, I do not think there would be any radical reason.

Mr. FULBRIGHT. No; we are in accord on that.

Mr. STENNIS. I wish to ask the Senator about article VI, in which we make a promise to negotiate with other countries relative to disarmament. I have always favored the idea of negotiating. That section does not bother me in any way. I merely refer to it now to show that in its terms—and I think all the members of the Committee on Armed Services were in agreement on this—it was nothing more than a committal; but it includes actions that we have previously taken whenever there was a chance to try to negotiate a treaty that we considered was to our advantage. The Senator would not interpret it to provide for anything more than what we can do in the present situation, would he?

Mr. FULBRIGHT. I think the Senator is correct. As a matter of fact, if my memory serves me correctly, we approached the Soviet Union with regard to some negotiations to try to slow down the spiraling arms race even before and aside from the treaty. This particular article is in accordance with our policy.

But in addition, the smaller, non-nuclear states were very much interested in the two superpowers—the Soviet Union and the United States—undertaking in good faith to participate in this treaty. This would be to their advantage as well as to ours. There used to be a statement in the preamble, but it was taken out of the preamble and placed in the body of the treaty to give it emphasis, providing that we will undertake in good faith to negotiate. But if we cannot reach agreement, that will be that. We will have complied with the treaty. We will have undertaken to abide by it.

Mr. STENNIS. For instance, a troublesome question has been the subject of inspections. The Soviet Union and the United States have never been able to get together on that point. Let us review that fully, as all other subjects are under title VI. There is just title III to negotiate.

Mr. FULBRIGHT. The only inspection in here refers to nonnuclear countries; that is, they do not apply to the United States and to the Soviet Union under any reference in the treaty itself.

Mr. STENNIS. The Senator from Mississippi doubts that there will be any real agreement or major treaty with the Soviet Union at any time soon unless that inspection problem is satisfactorily adjusted. I doubt we will be able to accept anything Russia would propose at any time soon. That does not mean we should not try or negotiate; on the contrary, it means we should try.

Mr. FULBRIGHT. I agree.

Mr. STENNIS. That is all article VI provides.

Mr. FULBRIGHT. I am prompted to say, as the Senator has brought out, that this treaty does not mean that, as the Senator said.

I personally believe, to show our good faith at least for a reasonable time, if we are to abide by what I consider to be the spirit of that section, that we should not in any substantial way increase our deployment of either offensive or defensive weapons. That is my personal view, as a matter of abiding by the spirit of the language. This language speaks for itself and it does not require that.

Mr. STENNIS. My impression and view would be to the contrary, particularly with reference to defensive weapons, and particularly trying to protect our people and our arsenal. However, the Senator is entitled to his view to the contrary.

Mr. FULBRIGHT. The Senator knows this is related but not a part of the other hearings going on under the subcommittee of the Senator from Tennessee, or the matter in which the President is engaged. That is another matter.

I thought I should give my own views of the spirit of that section. It does not require it and it is clear that it does not require it, and we could cover every instance of countries with missiles tech-

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nically without legally violating this section.

Mr. STENNIS. I wish to address myself to the point raised by the Senator from North Carolina. I think it is a very serious point.

Do I understand that the Senator from Arkansas and his committee, as reflected by their report, take the position that in passing on this treaty we are not really passing on or adopting this U.N. statement that we made or even adopting the resolution that was passed by the United Nations?

Mr. FULBRIGHT. We reject that interpretation that this language incorporates by reference that or any other language. The treaty does not deal with that subject. We, along with the present Secretary of State, the former Secretary of State and every agency say that the U.N. resolution is not incorporated by reference or in any other way into this treaty.

Mr. STENNIS. And is not before the Senate.

Mr. FULBRIGHT. The Senator is correct.

Mr. STENNIS. And has not ever been considered by the Senator's committee as a part of the treaty or tied to the treaty.

Mr. FULBRIGHT. It has not and consistent with the resolution, which we call the commitment resolution which was voted out last year by the committee, I would say that such a unilateral statement by the Executive is not a commitment by the U.S. Government. I mean, a President or his agent or representative can make a personal commitment. He can say, "As the President, my policy is to do so and so." In that sense it is his personal commitment. I do not regard that as the commitment of the United States. This is the distinction I make. I hope the Senate goes along with the view that these are not commitments of the United States without the proper participation of the Senate or the Congress.

Mr. STENNIS. I would reserve decision on the matter offered by the Senator. I do wish to get back to the treaty itself.

It seems to me that if this is a valid commitment of this Nation, as to the United Nations resolution, that ought to be submitted to the Senate in clear language.

Mr. FULBRIGHT. Yes.

Mr. STENNIS. Otherwise, the treaty is much more meager and limited than this promise by the Executive. The Senate is being called on to pass on the mouse while the real elephant gets away.

Mr. FULBRIGHT. The Senator is correct; if anybody wishes to make that a part, it should be passed on.

Mr. CASE. Mr. President, will the Senator yield on that point?

Mr. STENNIS. I shall yield, but first I wish to make this point. I have been disappointed by some assurances that have gotten into the hands of someone else. It is possible for this language to be interpreted differently—for instance, an adoption of the treaty as carrying out this United Nations proposition. That is what the Senator is trying to head off. That is what I am concerned about.

Mr. FULBRIGHT. In view of the statements of two Secretaries of State and in view of what I have said, as chairman

of the committee, and what every other member of the committee has said, and in view of what the Senator from North Carolina has said is a proper interpretation, I do not see how any man could say that that is what the treaty means. Nobody that I know is going to get up and say, "This is what the treaty does." Even the Senator from North Carolina says "It does not do that, but I want to put this kind of reservation on it." That is all he is saying.

Mr. STENNIS. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, the statement of the Senator from Arkansas is absolutely correct. This question was raised specifically again and again by members of the committee, with the Secretary of State and with other people in the executive branch. Their uniform answer on every occasion was that action by the Senate to ratify this treaty will not represent approval of these actions preliminary thereto or any commitments taken under them.

Mr. STENNIS. May I ask him this question? Why did, then, the two executives who submitted the treaty more or less approve the language by sending it down here with the treaty? Would the Senator give us the benefit of anything he knows about that?

Mr. CASE. The only thing I can do is to speculate. I think I am quite right. I mean, I think I approve their doing this. If they had sent the treaty to us without a formal presentation of the actions taken in the United Nations, and the declaration, too, in regard to that action, I think that they would have been subject to criticism in not telling us the whole story. Having told us the whole story, we were able to deal with it and extract from the executive branch those assurances which we felt were necessary.

Mr. FULBRIGHT. I think it is purely as a matter of information. Along with this, there were other things. They sent down some questions on the drafting of the Nonproliferation Treaty, questions asked by our allies, and the answers given by us, and other things, as a matter of background information. That is what our committee does, very often, in some areas. It is what we call background studies and includes all kinds of things that are not related to the subject I think that is the only reason they sent it down here, as a matter of information. As the Senator from New Jersey has said, they might be accused of leaving out something, and at least, this is in the general area.

Mr. CASE. Let me add this, that this was at a time when the executive branch was very sensitive to criticism by our committee on claims of commitments, involvement, and what not on the part of the Government of the United States and of Congress, when no such intention to make or accept such commitments had been made. They, I think, would have felt very lax, indeed, if they had not laid it out before us.

Mr. STENNIS. One more question, if I may. As I understand the position of the Senator from Arkansas, and perhaps most of the members of his committee, the general position is that the Senator

wishes to be vigilant in seeing that we are not making additional commitments anywhere that are not fully spelled out; is that not correct?

Mr. FULBRIGHT. Yes.

Mr. STENNIS. So, with that background, the Senator would have been remiss, would he not, if he thought the treaty committed us to this kind of protection.

Mr. FULBRIGHT. Yes. That is it.

In effect, that is it. I was responding to the comments of the Senator from North Carolina as to why do we give so much attention to it, and I said that we were doing it very much in the spirit of the questions just raised by the Senator from North Carolina.

Mr. STENNIS. My question is repetitious, but I think it will bear repetition so early in this debate. As I understand it, I want to ask the Senator from Arkansas, Does the treaty extend our commitments beyond our present obligations to other treaties in present law—that is, commitments to protect other nations?

Mr. FULBRIGHT. It does not in any way extend our commitments to the use of our Armed Forces. The only commitments are within the treaty itself. It does not affect our commitments. It does not ratify any other commitments. We are saying that this deals with a relatively restricted area of commitments contained within the treaty itself.

Mr. STENNIS. If I may ask the Senator further about the United Nations resolution and the statement we have made in connection with it, does that position of the United States on the resolution itself commit the United States to giving any military protection beyond reporting the matter to the Security Council?

Mr. FULBRIGHT. First, I would say these are two different things. The treaty does not do that. If the Senator will look at the statement itself, it is not, in my view, a commitment of the United States. It is a statement of policy on the part of the President and his then representative in the United Nations because it is not in the form of a treaty. These were statements made without any participation by Congress; but, of course, the President has the right to state his own views about a matter.

That is where the argument comes in, between them and a nuclear state, or between them and the Senate, in my view, so that as a commitment of the U.S. Government we cannot, even under the Constitution, prevent a President from stating what he intends to do.

Mr. STENNIS. No.

Mr. FULBRIGHT. Now, as to the statement of the United Nations itself, it gives an indication of what the then President and his representative there had in mind and what was their policy. I would hesitate to say that is a commitment of the Government of the United States to do what they said. If that is going to be so, as the Senator has already said, it should be submitted here, and then we should participate in a debate on agreeing to it.

Mr. STENNIS. I readily agree. I think it is beyond the power of the President of

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the United States to commit us in any such fashion except through—

Mr. FULBRIGHT. It is true in that statement, that while it looks broad, if the Senator will realize each time, I think it could be interpreted to go beyond, but each time it says "in accordance with the United Nations Charter." If it means that, then we would not go beyond it, of course, because we all did agree to the United Nations Charter and the Senate passed upon that. In that sense, we are bound by the United Nations Charter.

There may be differences of opinion as to what the charter itself requires, but, nevertheless, it is always to qualify whatever it says is our obligation. It says, "in accordance with the United Nations Charter," which means in the case of the Security Council that we have the veto power. So that, even then, we are not going very far.

Mr. STENNIS. It is clear, though, that the treaty is the only thing before us now.

Mr. FULBRIGHT. That is right.

Mr. STENNIS. I thank the Senator from Arkansas.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. ERVIN. Something has been said here about the necessity of submitting this to other nations. I have read as much as I could on this subject in the time at my disposal. In all the reading I have been able to do on this subject, and the reservations which have been announced, they amount to nothing more than an understanding, next to a treaty, so that it does not have to be submitted to any country for ratification of the treaty prior to that time, or for consideration. It does not have to be considered by the other countries unless they disagree with the interpretation, as some of the countries do disagree with the interpretation the reservations put upon it, which the State Department puts upon it, and which the Foreign Relations Committee puts upon it; then we should find it out before we sign the treaty so that these countries know that the United States is not obligated to come to their defense.

Mr. STENNIS. May I ask the Senator this question: Has the Senator found that that is in keeping with the position of the State Department?

Mr. ERVIN. Yes.

Mr. STENNIS. I thank the Senator.

Mr. ERVIN. In the State Department, the reservations amount to an understanding of that. These are all reservations, to indicate that the State Department has not even submitted them.

Mr. STENNIS. The State Department has not even submitted them?

Mr. ERVIN. No.

Mr. FULBRIGHT. If the Senator will allow me to comment on the last question, this matter of reservations and interpretations has arisen in connection with every treaty that I know of which has come before us. I prepared a short memorandum which I placed in the Record at an earlier point, but from which I will read two or three paragraphs now. This is based upon the legal opinion of the Department of State:

Reservations by one of the depositories . . . in good form . . .

That is, they would assume it was a real reservation—

because a U.S. reservation would have to be acquiesced in . . . start the negotiation process all over again.

Now, Mr. President, as I said a moment ago, I do not believe that the language of the Senator from North Carolina is a matter of substance, but a reservation traditionally used to affect the substance of a treaty. It raises that question, and it would lead, I think, each of the depositories, or the 40 States, to assume that it was. There would be a very difficult question. It would be a matter of judgment whether it were a matter substance or not. Anyone could have a different view of it.

Mr. STENNIS. Mr. President, I am glad to yield the floor if a Senator wants to speak in his own right.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. ERVIN. Mr. President, what the Senator from Arkansas has read proves my point. It says my resolution and the Tower resolution might affect the substance and would have to be ratified. The Senator from Arkansas agrees with me that it does not affect the substance. If we can have a disagreement on such a matter, what kind of disagreement would we find among foreign nations?

Mr. FULBRIGHT. Mr. President, if the Senator will yield, it is the foreign nations I have in mind that would have the right to assume that the reservation affected the substance. It does not matter what I believe. I am not a party to the treaty, but these other nations are parties.

Mr. ERVIN. Would the Senator read it again?

Mr. FULBRIGHT. The statement I read was prepared by the staff, based upon advice from the legal counsel of the State Department.

Mr. ERVIN. But it says in effect that it might affect the substance. I do not think it affects the substance at all. The Senator from Arkansas agrees with me.

Mr. FULBRIGHT. My own interpretation of what the Senator's language does is that it does not affect substance, but, in form, it would be a reservation. I am not the one who would have to be satisfied about that. There are 87 other signatories. They could assume that it does affect the substance. Any one of them could assume that, and we would have some trouble in dealing with them, in persuading them that this is just a matter of form. They would raise the same question I have raised here: "If it does not mean anything, why do you put it in there?" The Senator is saying it is meaningless. Is there not a rule of law which says that something put in a contract is assumed to have some meaning; it is not assumed that any meaningless statement is put in a contract.

Mr. ERVIN. Everything put in a contract is assumed to mean something, unless it is disputed.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. GORE. Mr. President, I trust the Senator will not agree to the reservation or understanding offered by the distinguished senior Senator from North Carolina. The debate has now progressed, or retrogressed, on this issue to the point that it is now agreed, if I have heard correctly, by both the proponent of the provision and the opponents of the provision that it would not affect the substance of the treaty.

Mr. President, are we engaging, or undertaking to engage, in a nullity? If a provision attached to a treaty has no effect upon the substance of the treaty, then it has no legal effect. Indeed, it has no effect at all.

I should think the distinguished senior Senator from North Carolina would be pleased with the accomplishment of this purpose, to wit, making a record, during the consideration or ratification of the pending treaty, that the Senate, the Senate Foreign Relations Committee, the present Secretary of State, and his immediate predecessor agree that the pending treaty contains no new obligation on the part of the United States with respect to the use of its armed forces.

Perhaps I can add one minor addition to the possible satisfaction of the distinguished senior Senator from North Carolina. As one of the Senate delegate-advisers to the conference that negotiated the pending treaty, I listened to several conferences between the negotiating parties. Indeed, I engaged in discussions with representatives of several nations that have adhered to the treaty. I heard no one express the view that the pending treaty, when finally concluded, contained any obligation on the part of the United States with respect to the use of its armed forces that went beyond its obligations as a party to the United Nations Charter, NATO, and other alliances which the United States has.

So, Mr. President, if the pending provisions will not affect the substance of the treaty, will have no legal effect, will be indeed superfluous, then for what reason would the Senate adopt it?

The distinguished senior Senator from North Carolina inquires about the resolution of the United Nations and why it used so many words to say so little. I came to the conclusion, after having been a delegate to the United Nations, that a formula for saying nothing in the United Nations is about a page. If one will study the history of it, if an instrument of the United Nations has teeth in it, it is not a long document.

Mr. President, I wish to address some remarks to the Senate about the committee report. Through its report, the Senate Foreign Relations Committee has undertaken to advise President Nixon with respect to the deployment of an anti-ballistic-missile defense system. Before addressing remarks with reference to this particular provision of the report, let me say that, in my view, the Constitution places the President and the U.S. Senate in a position of limited partnership with respect to the conduct of our Nation's affairs with other countries. True, the President is the leader. Only the President can be our leader in

international affairs. But the construction of this partnership and the provisions of it mean that the President cannot lead very successfully or very far when the Senate will not support and follow.

Other Presidents have had occasion to learn this lesson. The Senate has had some sad experiences in the operation of this formula of partnership.

The Constitution places definite responsibility and duty upon both. The committee has undertaken to advise the President in a gentle and in a respectful manner.

The provision contained in the report on page 18 was offered in the committee in its original form by a distinguished member of the President's own party. It in no sense received partisan consideration. The committee modified the provisions of the original resolution offered, but nevertheless, by a unanimous vote—save for one member who voted "present" without respect to this particular provision in the report, so far as I know—has adhered to this advice:

The extensive discussion of article VI during the hearings is an index of deep concern of members over the implications of an escalating arms race. The committee believes this treaty comes at a moment when both the United States and the Soviet Union are at national crossroads with respect to the arms race. Decisions facing both countries in the area of strategic offensive and defensive missiles are of vital importance not only to the peace and security of the world but to the successful implementation of the Non-proliferation Treaty.

In order to give effect to article VI, the committee believes that the administration should consider deferring the deployment of these weapons until it has had time to make an earnest effort to pursue meaningful discussions with the Soviet Union.

Mr. President, the pending treaty is in all respects a rather mild document. To me, the most significant fact of this treaty is that it represents another timid step in mutual discipline and cooperation between the United States and the Soviet Union. Fortunately, as I say, another step. It was my honor and privilege to be Senate delegate to the conference that negotiated the Limited Test Ban Treaty, and to take a part in the debate in the Senate upon the ratification of that treaty. Many people expressed grave apprehension about the ratification of that treaty. Many, sincerely, believed that it would impair the security of our country. Many throughout the country said that if we could continue testing nuclear weapons in the atmosphere, we could build a stronger defense, more effective weapons, and more powerful bombs, and thereby provide greater security for our country.

Undoubtedly, Mr. President, we could have built larger, perhaps more effective nuclear weapons with atmospheric tests. Competent witnesses have testified before Senate committees of which I have been a member that the balance of terror between the United States and the Soviet Union is at a relative standoff position. It has been estimated by experts that within a matter of hours, if not minutes, the United States could kill an estimated 120 million Russians, and that the Soviet Union has the destructive ca-

capacity and the deliver-ability in a similar time to kill an estimated 120 million Americans. But if we had continued nuclear tests in the atmosphere, perhaps we could have the capacity now to kill 150 million, and they to kill 150 million; and, ah, would we not then be more secure?

The conclusion and ratification of that treaty represented one step in a formula for coexistence in this small world. There have been others: the Treaty on Outer Space, the Antarctic Treaty, the Consular Treaty. Now we are undertaking a mutual obligation, by this treaty, to discourage, to hinder, and if possible to prevent the proliferation of nuclear weapons into the hands of other nations.

Who initiated this movement? The United States. The first statement made in this regard was made by the late John Foster Dulles, then Secretary of State. It was approved by President Eisenhower, President Kennedy, and President Johnson, and now I believe is about to be ratified during the administration of President Richard Nixon. I would describe it as a mild and timid step, chiefly significant because it is another step toward avoiding the destruction of civilization in the northern hemisphere.

Why do we seek this treaty? Because it is in our interest. Why do the Soviets seek it? Because it is in their interest. Why are they willing now to discuss a limitation of the nuclear armaments race? I believe because they think self-preservation is in their interest. And do we not think likewise?

We seek by this treaty the adherence of other nations. I say we, the people of the United States and the Government of the United States, and I say we, the United States and the Soviet Union, seek together the adherence of other nations who, by their adherence to this treaty, would agree not to build, not to make, not to receive, not to have nuclear weapons.

It is they who give up something. What do we give up by this treaty? There is only one thing we promise to do positively, and that is to make available the technology of peacetime uses of atomic energy.

I think it is a great bargain for the United States and the Soviet Union to agree to make available to mankind some of the benefits of the peacetime uses of nuclear energy in exchange for an agreement on their part that they will not build, or have, or receive an arsenal of nuclear weapons.

It is simple. I would say it is a mild treaty, but significant, let me repeat, because it is another step in easing the tensions between the East and the West. It is another step in understanding and in recognition of the mutuality of interest.

In my view, Mr. President, no two great nations in the history of the world have had such a mutuality of interest as now exists between the United States and the Soviet Union. It is a mutuality of self-preservation.

This brings me, Mr. President, to article 6 of the treaty. It is not the statement of a general hope, of a pious hope. It is a significant undertaking, an ob-

ligation of the United States, as well as of other parties to the treaty. It is an obligation upon the Soviet Union, the same as upon the United States.

It is an obligation to do what—to pursue negotiations in good faith on effective measures relating to a cessation of the nuclear arms race at an early date.

The distinguished chairman of the Senate Committee on Foreign Relations earlier said that the United States had taken the initiative in seeking these negotiations. If the Senate will recall, when President Johnson and Mr. Kosygin met at Glassboro, the principal goal which President Johnson sought at that conference was the agreement of the Soviet leader to initiate negotiations to bring about a mutual limitation of offensive and defensive ballistic missiles.

The United States has for more than 2 years sought such a conference. The Soviet Union has now indicated its willingness to begin such negotiations.

Why do we wait? I have not had a satisfactory answer to that question. We have urged our readiness for 2 years until now, or recently. I do not say this in a partisan sense, because former President Johnson was not willing in the closing days of his administration to initiate the negotiations. I urged that he do so.

I urge President Nixon now to do so while there is time. And the time, in the terms of the blacksmith, to hit the iron is while it is hot. The issue is warm and ready for treatment. The danger which can be forestalled is ever present.

During the hearings of the Disarmament Subcommittee last week, three of the most distinguished scientists of the world testified and sat as a panel before the subcommittee. And the subcommittee almost literally sat at their feet as students.

Although one is a proponent of the deployment of the ABM, they agreed unanimously that the deployment of an antiballistic missile system would provide no protection for the American people. What would we be trying to protect? Whose security and what security is involved unless it is the lives of the American people? What would be the purpose, then, of the deployment?

Some have said, "Let us change the deployment. Let us no longer try to provide protection for the cities and for the people." That is what Congress mistakenly voted.

Is there anyone who will rise and say that the Senate and the House of Representatives did not appropriate the funds under the impression that it was voting for a system to provide protection for the American people? Of course, I am not going to make a legalistic argument that the funds could not be used for some other design. However, that is a different question requiring different treatment or technology; and there is time to consider that. And if the deployment is to be changed from the understanding upon which Congress voted, then the matter should be resubmitted to Congress before the funds are differently used.

Oh, a great deal has been made about the fact that the Soviets have deployed some kind of a system around Moscow.

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I think it is agreed in the intelligence community that there is some kind of deployment. It is called the Galosh system.

We were advised 2 months ago by former Secretary Clifford that this deployment was much like the Nike-Zeus system which we discarded 3 or 4 years ago because of its ineffectiveness.

There are an estimated 20 defensive missiles surrounding Moscow. What protection does that provide for Moscow? If the Soviets thought that 20 would do the job, maybe that would be the reason why they did not complete the deployment. Let us suppose that those 20 are in fact perfect instruments of technological sophistication and that if the United States should, God forbid, launch a nuclear missile attack upon the Soviet Union, each one of these 20 antimissile missiles would perform perfectly and intercept and destroy the first 20 that arrived over Moscow. Suppose there were 920 more missiles on the way. What protection would those 20 missiles give to the people of Moscow?

I heard someone on the television not long ago say, "Why would the Soviets deploy 20 missiles unless they thought they were good?" I suppose the French now wonder why they built the Maginot Line. And I suppose we can wonder why we spent \$1.6 billion on the McNamara line that saved nobody but cost many lives. Ultimately, it was no good at all.

I suppose there is wonder as to why \$23 billion has been spent on missile systems that have been utterly useless.

It is time to think, and I have confidence that our President is thinking, and thinking seriously. I am confident of that. I hope he gives heed to the advice of the Foreign Relations Committee expressed in its report. This is an exercise of the Senate's constitutional function.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. ALLOTT. As I understand the gist of the Senator's argument at this particular point, he is saying that first the Nuclear Nonproliferation Treaty should be adopted, and then, as he used the words, in the language of the blacksmith, we should strike while the iron is hot, to enter into or attempt to enter into complete disarmament throughout the world.

Mr. GORE. No. May I correct the Senator? I did not use the term "complete disarmament." The next step to which I referred was to enter into good faith negotiations.

Mr. ALLOTT. Leading to disarmament?

Mr. GORE. Which this treaty obligates us to do, on the limitations of the nuclear armaments race.

Mr. ALLOTT. That is correct.

Mr. GORE. I might say that it is the position, previously stated, of the U.S. Government ultimately to seek general and complete disarmament. But this is a goal in the distant future. I believe this goal must be approached by phases, by steps. Ratification of this treaty, in my opinion, would be a step. I believe the next step should be an agreement to mutually limit the nuclear armaments race.

I am urging—and the Senate committee has urged, by this report—the President to consider deferring deployment of antiballistic-missile missiles until a good-faith negotiation can be had.

Does that explain it?

Mr. ALLOTT. Yes. I understand that what the Senator is urging the President to do is to get to the negotiating, to take one of these steps—step by step—down the road leading to a disarmament. I will not classify the nature of that disarmament.

But what bothers me a little is this: I supposed we had been doing this for the last 6 years because of the agreement which had been reached in the Test-Ban Treaty. The Test-Ban Treaty was adopted in 1963. I read from the preamble to it:

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control, in accordance with the objectives of the United Nations, which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons, seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances.

Does not this preamble clearly say that, as Americans, we and the former President should have been doing for the last 5 or 6 years what the Senator is proposing now that President Nixon proceed to do under the Nuclear Nonproliferation Treaty?

Mr. GORE. The preamble, which the Senator has read, undoubtedly states the general goal and obligations of the parties to the treaty.

What is specifically referred to in article VI of the pending treaty is negotiation for the mutual nondeployment—if I may use that term—of defensive missile systems.

Does that answer the Senator?

Mr. ALLOTT. Yes.

The only point, I think, is that under article VI we agree to agree to negotiate.

I voted for the Test Ban Treaty, not without a few red-hot letters from my constituents, I must say. But I voted for the Test-Ban Treaty, which contains this language in its preamble: "a general and complete disarmament under strict international control, put an end to the armaments race—determined through continued negotiation to this end."

We have been doing this, or at least the President is supposed to have been doing it, for the last 6 years—the President and the State Department.

Mr. GORE. I should like to make this observation to the distinguished Senator. Having participated in the negotiations of both, I think there is a distinction.

The Senator has read from the preamble of the Limited Test-Ban Treaty, but article VI of the pending treaty is an operative feature of the treaty. Therefore, the obligation to negotiate is not general but specific in the pending treaty.

As the chairman of the committee, the able junior Senator from Arkansas, has said, we do not obligate ourselves to

agree. We obligate ourselves to negotiate in good faith, obviously in the hope of reaching agreement.

The distinction I wish to point out is that the provision which the Senator has read is a preambular paragraph in the Limited Test-Ban Treaty, while article VI is an operative paragraph and thus becomes an obligation.

Mr. ALLOTT. The Senator is correct in that, but I do not believe there is any question in his mind that the preamble of the Test-Ban Treaty spells out the purpose of the treaty.

Mr. GORE. Yes; I agree.

Mr. ALLOTT. The Senator has spoken of participating in the various conferences. Does he know or is he aware of whether or not the Committee on Foreign Relations had any part in the writing of the present draft of the Nonproliferation Treaty?

Mr. GORE. I know this: The Committee on Foreign Relations was kept constantly and currently and fully advised about the negotiations. The proposed drafts, step by step, were submitted to the committee. I can say from personal knowledge that Ambassador Foster and Ambassador Fisher kept former Senator Hickenlooper, my fellow Senate adviser-delegate, and me as fully advised as we were willing to give the time to become advised. And the staff of the Committee on Foreign Relations, the chairman of the committee, and the membership of the committee had available to them the fullest consultation with our representatives at this conference. So the answer is, "Yes."

Mr. ALLOTT. And when was the conference held?

Mr. GORE. I have not the exact date.

Mr. FULBRIGHT. Approximately 4 years.

Mr. GORE. It has been a long time.

Mr. ALLOTT. I thank the Senator.

Mr. MUSKIE. Mr. President, first, I would say to the distinguished Senator from Tennessee that I thoroughly appreciate the lucid discussion he has given us not only of this treaty but also of the related issue of the anti-ballistic-missile problem.

I have learned something this afternoon as I always do when listening to the Senator from Tennessee.

Mr. GORE. I thank the able Senator.

(At this point, Mr. SAXBE assumed the chair as Presiding Officer.)

Mr. MUSKIE. Mr. President, for more than two decades, the United States has sought to bring a halt to the spread of nuclear weapons. Every American President, from Harry S. Truman to Richard Nixon, has committed his administration to that goal. The American people have overwhelmingly supported all our efforts to reach realistic understandings with other countries to stop the nuclear spread—to end the threat of a world armed to the teeth with the implements of its own ruin.

Now those efforts have borne tangible fruit, and the Senate is called on to give its advice and consent to the ratification of the Treaty on the Nonproliferation of Nuclear Weapons, signed last summer by of the United States, Britain, the Soviet Union, and almost 90 other countries.

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President Nixon has termed the treaty "an important step in our endeavor to curb the spread of nuclear weapons." The Committee on Foreign Relations has found that the treaty is "the best that can be negotiated at this time" and has, on two occasions, urged that the Senate act favorably upon it.

I share these judgments without reservation, and I call upon the Senate to ratify the treaty while time remains to substitute reason for the slow unraveling of world security.

No one could rightly say that the Nonproliferation Treaty will itself guarantee that this or future generations will be saved from nuclear war. Even when the treaty comes into force, patient negotiation will be required to extend its provisions to additional important countries and to reach practical agreements on safeguards over peaceful nuclear activities. In and of itself, the treaty does nothing about the vast arsenals the nuclear powers now possess, and that could, at any time, destroy mankind. It is to this point that the distinguished Senator from Tennessee (Mr. GORE) addressed himself this afternoon.

But the treaty buys us time, precious time, to gain control over our destiny. With American adherence, coupled with energetic efforts to bring the treaty's mechanisms into force among the widest possible number of states, the Nonproliferation Treaty can help stop nuclear arms races from multiplying around the world. Without the United States, the effort to stop proliferation can be no more successful today than the League of Nations was 50 years ago. The tragedy for the world would be all the greater.

Since achieving the role of a major power early in this century, our burdens of leadership have grown. We face enormous demands on our patience and strength in meeting global commitments, while our society at home undergoes stresses more dramatic and far reaching than at any time in history.

For our own security and the security of our friends, this country can never withdraw from its central responsibility for the preservation of peace. In all prudence, we can, and we must, work to keep the dangers of nuclear war from getting worse, and we must be willing to take some risks in that direction.

It is for this reason—its elemental prudence—that I support the Nonproliferation Treaty, as I supported the limited Test-Ban Treaty 5 years ago. Eighty Senators voted in favor of the test ban then. This treaty, which complements and strengthens the mechanisms of the Test-Ban Treaty, is a further step along the same path of reason.

There are three basic respects in which I find the merits of the Nonproliferation Treaty compelling.

First, the treaty promises to be effective in creating a global consensus against the growth of nuclear arms races to new and terrifying levels of violence. For the almost 90 non-nuclear nations already pledging to accept a commitment not to acquire nuclear weapons, the treaty represents relief from the prospect of deepening instability and

the enormous cost these weapons represent in the diversion of resources.

Although several important non-nuclear nations have yet to agree they will adhere to the treaty, the consensus developed on behalf of the treaty will bring united pressures to bear upon the holdouts. And even if nations such as West Germany, Israel, and India do not unequivocally block out their options to acquire nuclear weapons, broad acceptance of the treaty by others will serve as a useful restraint to hinder and deny legitimacy to unilateral decisions on the acquisition of such weapons.

From the point of view of U.S. security and diplomacy, the treaty would thus dramatically lessen the risk that the spread of nuclear weapon capabilities would require major expansions of American commitments to protect threatened allies. At the same time, pressures on the United States and other nuclear powers to foster or tolerate selective proliferation would be negated by reciprocal commitments blocking the further spread of nuclear weapons.

Second, the treaty's safeguards provision offers a major breakthrough in the principle of international inspection of arms limitations agreements. This is of utmost importance as a working precedent for the kind of reciprocal verification necessary for effective arms control. When international atomic energy agency safeguards are applied to non-weapon states, major acceptance will have been achieved of the principle that arms reduction requires meaningful verification. The United States has long asserted that principle, but the Communists have rejected it, providing the major stumbling block to all efforts toward negotiated arms controls.

International inspection will, in turn, make possible the exploitation of the atom for peaceful purposes at the fastest pace technology will realistically permit, without the fear that peaceful projects will serve as the cover for nuclear weapons. I, for one, am fully satisfied with the assurances forwarded to the Senate that American participation in these peaceful nuclear activities can be conducted on a sound and practical basis.

Finally, the treaty embodies a unique pledge shared by the United States, Great Britain, and the Soviet Union to work to control the arms race between the major powers. In the words of the Foreign Relations Committee, the treaty "formalizes the mutual concern" of these major powers "in containing the spread of nuclear weapons," embodying "a commitment to pursue with good faith and urgency new arms limitations agreements."

The distinguished Senator from Tennessee (Mr. GORE) has most appropriately highlighted the importance of article VI of the treaty.

As a quid pro quo, between the non-weapon powers on the one hand, who are asked to give up their options for nuclear status, and the nuclear signatories on the other, whose nuclear competition represents a constant threat to world peace. The treaty's pledge to good-

faith negotiation comes at a welcome time. The effort to line up nonweapon powers to complete the Nonproliferation Treaty will benefit from early negotiations by the major powers, and the prospects of meaningful agreements in these negotiations will, in turn, be strengthened by the climate of trust and give-and-take which the success of the Nonproliferation Treaty can help create.

What we are undertaking to do, Mr. President, is to create what cannot be created unless each country is willing to take some risk—in a climate of mutual trust and risk-taking.

It is my earnest hope that the shared commitment of the Nonproliferation Treaty between the United States and the Soviet Union can now be broadened into other fields. Getting on with the Nonproliferation Treaty, after almost 5 years of effort, has thus become a desirable, and even necessary basis on which to strengthen this promise of United States-Soviet cooperation—in strategic arms talks, and perhaps too in such other related areas of vital U.S. concern as Vietnam and the Middle East.

One would not dare predict what a single step in the way of cooperation might lead to, but he can surely hope that a single step can lead to other steps which might include a resolution of the Vietnam and Middle East crises.

Mr. President, it has been a long, long time since John F. Kennedy called on the Senate to ratify the limited nuclear Test Ban Treaty and "let history record, that we, in this land, at this time, took the first step."

The next step, I submit, is the agreement before us today.

I urge the Senate to act promptly and favorably upon the Nonproliferation Treaty, in the interest of moving on to the further efforts and opportunities for peace that lie ahead.

Mr. President, the question was raised a few moments ago, in colloquy between the distinguished Senator from Colorado and the distinguished Senator from Tennessee, as to why a similar commitment for additional reduction of arms has not been implemented in the 5 years which have elapsed.

In part, this is so, I am sure, Mr. President, because both sides got tangled up in the emotionalism of the Vietnam issue and lost their sense of self-restraint and their limited feeling of trust and confidence in the other's intentions which was gained when we ratified the Test Ban Treaty.

Here is an opportunity to reinstate it in a limited way. We cannot hope to break down the walls of suspicion, distrust, and hostility with a single step, but we can move in that direction.

It is for that reason above all, Mr. President, that I intend to vote for ratification of the treaty and urge my colleagues to do likewise.

Mr. FULBRIGHT. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. FULBRIGHT. I join the Senator in his remarks and compliment him on the eloquent way he has expressed what he believes to be the most important part

of this treaty. That is the most important aspect of this treaty, to move toward the reestablishment of some degree of confidence and trust between the two great powers, the United States and the Soviet Union.

I think that is really the essence of it. The details, with regard to peacetime use, and so forth, are important, of course, but subsidiary to all these points is the objective which the Senator from Maine has expressed so well.

While I am on my feet, would the Senator allow me to make reference to the statement made by the Senator from Tennessee (Mr. GORE). The Senator from Tennessee, more than any other member of the Foreign Relations Committee, has spent time in this field and has made a greater contribution to the successful negotiations on this treaty, and prior matters in this area, than any other member. He has taken a great interest and spent long time and effort in representing the committee at the meetings in Geneva and elsewhere.

He made a fine speech a moment ago. I cannot see how either of the arguments of the Senator from Maine and the Senator from Tennessee can be refuted. I congratulate them both.

Mr. MUSKIE. May I take this opportunity to compliment the Senator from Arkansas for focusing on article 6 in the course of the hearings on the treaty. If the Soviet Union is listening, and I am sure that it is, and it will focus upon this fact, and focus upon article 6 as a contributing influence in the ratification of the treaty by the Senate, we might very well, in this way, contribute to some move in the direction of negotiations on missile control.

Mr. FULBRIGHT. I appreciate that. I think the Senator is quite correct. This is a matter, as the Senator from Tennessee so well described, which has been under consideration for several years. I think it is the No. 1 thing: the desire to move toward a limitation of the arms race. To me, that is the most important single element of anything here. If any progress can be made in that direction, then we are moving in the direction the Senator said; that is, of reestablishment of some limited degree of confidence which is so essential to making progress toward a more peaceful world. I think that the Senator is quite right.

Mr. GORE. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. GORE. I ask the Senator to yield to me so that I might express appreciation to the able chairman of the Committee on Foreign Relations for his generous remarks.

In that connection, let me express my appreciation also for the practice which the able chairman permits himself, of giving members of his committee opportunities and providing latitude and encouragement for individual contribution.

The case in point is the hearing now underway by the Disarmament Subcommittee. Tomorrow, there will be another session. The full committee is invited and, indeed, all Senators are in-

vited. It will be an educational hearing. Once again, tomorrow, we will have the benefit of testimony before us of three of the most distinguished intellectuals who could be invited, each of whom graciously accepted our invitation, not to prove my point or the point of some other member of the committee, but objectively to analyze the problem, which is an overweening one.

Mr. President, this may be the first major decision in the overweening issue of the next decade; how the resources, the talents, and the energies of our people shall be allocated, between its defense forces, on the one hand, and all the other needs of the American people, on the other.

It may be one more step—as the Senator says, one step hopefully leads to another—in building a bridge of co-existence.

Mr. MUSKIE. I might at this point appropriately refer to something the Senator said earlier—that, in order to build these bridges, we must find common areas of interest which represent the vital interests of each country. Each time we do that, we can build a bridge. I agree with his very apt phrase that we have a mutuality of self-preservation in all these matters.

I compliment both of my senior colleagues for their interest and their effective leadership and statesmanship.

Mr. PELL. Mr. President, I rise briefly to support the chairman of the Foreign Relations Committee and those Senators who have spoken for the ratification of the Nonproliferation Treaty. We had many hearings. We thought about the matter very deeply. Some of the arguments that have been made against the treaty have been sensible, but, in general, the arguments in favor of its ratification would seem to me to far outweigh the arguments against it.

Last fall, on the floor of the Senate I commented on a recommendation of the majority of the Foreign Relations Committee in regard to deposit of the instrument of ratification of the treaty. The committee report suggested that after ratification by the Senate, formal deposit of the ratification could be delayed as a tactical move. At that time, I objected that formal deposit of the ratification was a ministerial act and that sanctioning discretionary delay by the executive branch would constitute a bad precedent. I am delighted that the suggestion of discretionary delay does not appear in the committee report this time. I continue to believe that, if the treaty is ratified, the instrument of ratification should be promptly deposited.

MILITARY SPENDING

Mr. PELL. Mr. President, I would also like to comment on the speech of my colleague from Wisconsin earlier today. I did not have a chance to be on the floor when he delivered it, but I had read the text. I found it to be an excellent speech, and I find myself in general agreement with the thrust of his remarks and his recommendations.

WALLACE E. AND ALMA JOHNSON, OF HOLIDAY INNS OF AMERICA, INC.

Mr. GORE. Mr. President, as in legislative session, I ask unanimous consent to have printed in the RECORD an article written about a very distinguished and a very successful Tennessean, Mr. Wallace E. Johnson, and his devoted wife and business partner, Alma Johnson.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEEING PROBLEMS AS OPPORTUNITIES

(NOTE.—A conversation with Wallace E. Johnson, president, Holiday Inns of America, Inc., and wide-ranging entrepreneur and builder.)

(Wallace E. Johnson knew right enough what he wanted to do in life by the time he was 14 back in Mississippi, and that was to be a builder. He took a flyer at it at age 18 and failed, and it was more than 20 years before he again went into business for himself and launched a successful career in homebuilding.)

(His major enterprise, though, is Holiday Inns of America, Inc., the world's largest motor hotel chain. Launched by Mr. Johnson and his partner, Kemmons Wilson, it now numbers more than 1,050 facilities here and abroad.)

(He and Mr. Wilson also started the chain of extended care facilities known as Mediacenters of America, Inc., with some two dozen now in operation—about half under franchise—and half that number under construction. Along the way, Mr. Johnson has also been an active lay Baptist leader—he expounds an approach to business reflecting religious convictions—and was named Lay Churchman of the Year in 1965 by Religious Heritage of America, Inc.)

(He also has contributed generously to education of future clergymen, doctors, lawyers and bankers through grants and loans by a foundation he and his wife, Alma, have established.)

(Now 67, Mr. Johnson sets great store by inspirational and self-improvement works and makes much of conscious motivation—of himself as much as of others—as a key to success.)

(Many successful men find it politic to credit their wives' help for their success. Wallace Johnson goes further and cites specific business contributions made by his wife.)

(A humorous man and an enthusiastic spinner of yarns, many at his own expense, he discussed his career and his outlook in what he calls his "think center," a work area alongside the indoor pool at his home in Memphis, where he flees the "stampede" of regular office routine.)

Mr. Johnson, what line of work would you say you are in?

I guess you would say very simply that I am in the money-making business. But let me add that I am not bent on making money just to be making money. After all, I don't feel that anyone—myself included—places money ahead of everything else. Since virtually everything I am involved with concerns the business of people, I like to think I'm in the people business.

My wife and I build homes, but for whom? We build them for people, but we necessarily build at a profit. Mrs. Johnson and I also build apartments for people, but again at a profit.

In our Mediacenter convalescent home endeavor we are really in the middle of the people business. And in the biggest sense of all, I am fortunate to play a part in the people business of Holiday Inns, a company made of people.

NPI

Nuclear Experts Fail to Satisfy Stennis Unit on A-Treaty Doubts

United Press International

Administration experts told the Senate yesterday the treaty to stop the spread of nuclear weapons imposes no new restrictions on the United States. But balking members of the Armed Services Committee were not satisfied.

Chairman John Stennis (Miss.) said he may schedule additional hearings to clarify U.S. obligations under the treaty's safeguards provisions, which he branded "an unknown quantity." The move could further delay ratification of the treaty, which has languished in the Senate for six months.

The Committee, in a second day of closed hearings on military implications of the treaty, heard Chairman Glenn T. Seaborg of the Atomic Energy Commission and Gerard C. Smith, director of the U.S. Disarmament Agency.

Both endorsed the treaty and repeated administration assurances that it would in no way jeopardize U.S. national security or impose new restrictions on U.S. nuclear weapons programs.

In fact, Seaborg said the

treaty itself makes no limitations on the United States beyond those it has imposed upon itself voluntarily. Its real significance, he said, is that "the Soviet Union will accept restraints for itself, which the U.S. Congress laid down so wisely for the United States in the Atomic Energy Act."

But Stennis, following the three-hour session, told members the United States had committed itself to inspection procedures that have not been formulated.

He said he had not decided whether to vote for or against ratification. Asked if the hearings were finished, he said, "I would not say that they are. I want to make a close check on the record . . . and then make a determination about how many other hearings will be necessary."

Floor debate on the treaty was to have started Thursday, but senate leaders now say it probably will be March 11 before the ratification session can begin. The Senate Foreign Relations Committee, which approved the treaty 14 to 0 Tuesday, does not plan to file a report until next Thursday.

Out of courtesy to the Armed Services Committee, however, it probably will not insist on bringing the treaty to the floor until Stennis is finished.

"We're not trying to take over the treaty," Stennis said, emphasizing that the Committee would not intentionally delay a ratification vote.

Stennis Criticizes A

By Warren Unna

Washington Post Staff Writer

Chairman John Stennis (D-Miss.) of the Senate Armed Services Committee indicated yesterday he thinks the inspection provisions of the Nuclear Non-Proliferation Treaty are so imprecise it might be best for the Senate to vote against the treaty's ratification.

"One of the major matters is the question of inspection rules and regulations. We are agreeing to inspection of our military capacity under rules and standards that are not yet formulated," Stennis said after his Committee had heard closed-door testimony from Gen. Earle G. Wheeler, chairman of the Joint Chiefs of Staff, and John S. Foster Jr., Defense Department director of research and engineering.

"Our Presidents Johnson and Nixon have committed us to these inspections even though the treaty itself would not commit us," said Stennis, a powerful number of the Senate establishment. He added, "It's just unilateral disarmament."

Stennis then came to his conclusion about junking ratification altogether when the treaty comes before the full Senate, possibly the end of next week: "The time for conditions and reservations has passed. If this is serious enough, my idea would be to just stop the measure at this point and see what could be gotten from something more explicit." Treaty ratification requires a two-thirds majority in the Senate.

Sen. Barry M. Goldwater (R-Ariz.), an already announced treaty foe, said he thought amendments should be "tried" anyway: "The treaty doesn't do what the American people think it will do; it's not a non-proliferation treaty of weapons, but the material which goes into them. It in no way offsets the might of

Russia or the United States. Each can keep adding to its stockpile."

Sen. John G. Tower (R-Tex.) said he wants to insert a "NATO option," one which will permit the United States to furnish nuclear weaponry to its NATO allies.

This would run contrary to an NPT in which the nuclear "have" nations commit themselves against distributing nuclear weaponry to the nuclear "have-nots" and the nuclear

"have-nots," in turn, agree not to accept such material.

Stennis already has surprised the Senate Foreign Relations Committee in deciding to hold closed hearings on a treaty that not only is the Senate Foreign Relations Committee's business but twice has been approved by it.

Originally, the Senate Foreign Relations Committee itself had reservations over the way the NPT-created International Atomic Energy

Agency would perform. These doubts later were resolved.

Under the treaty, the nuclear "haves" are obliged to furnish fissionable nuclear material to the "have-nots" for peaceful purposes—a way of compensating them for foreswearing ever going into the nuclear business themselves. The IAEA has been established by the treaty as the inspecting agency to insure that such nuclear material is not diverted to military use.

H 1310

words my idea of America's goals—I was not able to say what we should be working for, where we should be going, or what we should be doing.

I delved into books. I reread the Declaration of Independence. Then I thought about it. That Declaration had made us free men—it declared America to be independent of England. But the more I looked at it, and the more I thought about it, the more it seemed like a pattern—a formula—for our Nation and our world. It was almost as if the Founding Fathers were daring us to create the Nation they had described. It was, indeed, a challenge. Then I thought about today's world. On top of everything that is bad, there is something good. We are still free men. But that challenge still lies before us. Today we are being challenged to do two things: to achieve peace, and to establish brotherhood. This is the double challenge of freedom.

Nineteen-sixty-eight has seen a rebirth of idealism in America. Young people and older people alike fought for a cause—peace, in the face of a brutal war. Their cause and their candidates, in their minds, were defeated; but is it not possible to rise from the ashes of that defeat and step triumphantly into the new dawn of victory? That is what John Kennedy and Robert Kennedy would have wanted. If we truly cherish freedom, we should labor to build a nation and a world in which peace is the rule rather than the exception. To build a lasting peace—this is part of the challenge of freedom.

For ages, man has sold man into bondage. Only a little more than a hundred years ago did we finally unshackle our brothers and put an end to slavery. Sadly, its vestiges remain, a scar on our great Nation. Today there are millions of Americans who are enslaved by the hate of their fellow citizens, and their cries are seemingly not heard. All of the great men who signed the Declaration of Independence were white, but many of them had dreams of that day when black and white would live together in friendship and equality—the day when all voices would be heard. Let us build a nation and a world in which all men are truly brothers—where all human beings can join hands in friendship and together face the new day of destiny. In August of 1963 more than 200,000 people marched in Washington, D.C. to protest discrimination. As they stood in front of the giant memorial to Abraham Lincoln, they heard Dr. Martin Luther King tell America that he had a dream. Let us take that dream of Dr. King and make it a reality.

This is the double challenge of freedom—peace, and brotherhood. It is a challenge which must be met. When we start our quest, the road will be rough—we will meet with some defeats; but in the face of those defeats our initiation should not evaporate but should redouble; and the ambition which sparked us shall not dissolve but shall crystallize in renewed hope.

Men who have already departed from this earth have left us a legacy and have handed us a challenge. Let us join together, accept that challenge, and build our newer world. With the help of God, we will not fail.

REPRESENTATIVE WHITEHURST INTRODUCES LEGISLATION TO COVER MINISTERS UNDER THE SOCIAL SECURITY ACT

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, today I am introducing a bill which I feel the law should not have made necessary.

In 1954, a minister was in the position of being a professional with, in effect, no retirement benefits. In that year,

Congress, recognizing this injustice, passed a law making it possible for him to be covered by social security if he so desired. This law has been changed to cover a minister unless he does not wish to be so covered, but still considers him to be a self-employed individual as pertains to his social security tax. A minister pays all of his tax, with no contribution from the church.

In 1964, the Keogh bill was passed giving professionals and other self-employed individuals a retirement option in addition to social security. However, the minister is excluded from participation in this program.

My bill will make it possible for a minister to join the ranks of his fellow professionals by permitting him to participate in the Keogh bill as well as social security.

TAX REFORM LONG OVERDUE

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEALL of Maryland. Mr. Speaker, the disproportionate amount of taxes paid by a number of our citizens was brought home to me most clearly during a recent tour of my district. The experiences of one woman in this regard stand out so starkly that it serves as an excellent example of why tax revision must be one of the highest priority items for business in the 91st Congress.

While I was sitting in my office seeing constituents, a lady came in, sat across the desk from me and said that she really did not want anything other than to let me know of a situation which she felt should be of concern to me. She said that during 1968 she had total wages \$3,108. She pointed out that the taxes withheld from all sources, that is State, Federal, and social security, amounted to \$526.37, or over 16 percent of her gross income. Her net pay after the deductions was \$2,581.63. Her basic expenses were food, shelter, insurance, and utilities which came to \$2,450.80 leaving her a balance of \$130.83 with which to buy her clothes, pay the doctor in case of illness, and pay for other small items which most of us would consider absolute minimal expenses.

The lady continued and said that what really bothered her was that now, because of the fact that her husband had died during year 1968, and even though she was 62 years of age, she would have deducted from her pay \$1 additional each payday because she is to be classified as a single person. With tears in her eyes she told me that she would have to seek additional employment in order to provide for her basic necessities and pay the taxes charged her by the Federal Government. I think that this case demonstrates most clearly the need for wholesale revision of our tax structure. While our Government has said that \$3,000 a year is the income that separates a person from poverty, in the case of this lady, who earned \$3,108, the Federal Government is collecting \$324.60 in Federal income taxes.

Mr. Speaker, unless we find some way to bring equity to our tax structure we

cannot expect to continue to have the confidence and respect of the public for government as we now know it.

The time to act on tax reform is upon us and we must face and deal with it now.

TREATY—NONPROLIFERATION OF NUCLEAR WEAPONS

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, I have received numerous letters of inquiry and comment concerning the nonproliferation treaty.

Since the Senate alone votes on treaties, our constituents should be encouraged to express their feelings to their Senators. A vote is expected by March 6, 1969.

Few people are familiar with the text of the treaty or have even seen it.

A cursory examination suggests one of the primary objectives of the treaty will be to comply with United Nations Organization directives to place nuclear weaponry under the control of the UNO which will be in charge of regulating terms, conditions and profits from the sale of "nonnuclear weapons" to "nonnuclear state parties."

I place the treaty in the RECORD for all to examine:

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

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CONGRESSIONAL RECORD — HOUSE

H1309

In the unusually large group before him he saw a sizable number of black militants—to whom, he knew, he symbolized the enemy.

For months now—ever since he had published an article critical of the black studies program as proposed by Associate Professor Nathan Hare—Bunzel had been a target of abuse and intimidation.

He had received anonymous threatening telephone calls at home and became accustomed to being called "pig Bunzel." His two cars were covered with the words "Fascist Scab" one night and all the tires were slashed. A homemade bomb was found one morning outside the office of the political science department, which he heads.

Nevertheless, Bunzel, 45, tall and tweedy, looked at the group before him calmly and began to explain what he had in mind for the course.

FLOOD OF HOSTILITY

His voice was drowned in a flood of hostile questions and remarks. Someone stood up and began to read aloud from "Quotations from Chairman Mao Tse-tung." Bunzel tried for ten minutes to restore order, then stunned, he dismissed the class.

Two days later, on Wednesday, he tried again. The class now had become, for him, a testing ground of "whether those of us committed to the use of reason can still have his voice heard in an increasingly irrational environment."

He tried to respond to the hostile questions. The course, he said, was titled "community power and the politics of leadership." It would not deal with today's headlines (here a girl's hand shot up) but would follow an academic form and would probe the complexities of community power, he said. Then he gestured to the girl.

"Some of the things you say we don't understand," she told him. "I'm asking you to come down to our level. And when we raise our hands, you should respond immediately. It took you about four minutes to respond."

"If it's all right, I'd prefer to finish a thought, then answer questions," Bunzel replied.

"Man, what you're saying doesn't mean anything anyway," a black student shouted. Others joined in a cacophony.

"I can't hear your questions," Bunzel told the class.

"Man, you haven't been hearing all your life," a student said.

TWO MILLION OMITTED

The black students demanded to know why no readings from Stokely Carmichael or Huey P. Newton were assigned. Bunzel replied that some two million other choices had been omitted.

The books on the list, the students charged, were racist.

C. Wright Mills and Talcot Parsons racists? By what standards? Bunzel asked. Had anyone read them?

"If you put it on the list, nine times out of ten it's a racist book," a voice replied.

At the end of half an hour, Bunzel dismissed the class, telling the students: "I intend to teach this course as it has always been taught."

"If we have to bring guns in here you won't teach it," a youth replied. "We'll teach you about community power."

On Friday, Bunzel again pleaded with the students to be allowed to begin. When the heckling continued, an administrative official was called and ordered two of the Negro students suspended. The class was again dismissed, with the first lecture still to be given.

INTIMIDATION CHARGED

At a press conference later, Black Student Union members declared that "black students were harassed, intimidated and suspended" in Bunzel's class that morning.

Tony Miranda, a leader in the Third World Liberation Front, said the militants were determined to "stop the functioning of the

class and educate people on what the class is about. Any class he'll be teaching will have his attitudes and perceptions of our society and that is hurting the people. We're saying he's in direct opposition to our struggle at this point. And as such he's an enemy."

Bunzel, a cool, calm scholar, is somewhat puzzled by the vehemence of the attacks against him, for he prides himself on his long liberal record—the fight he led for admission of Negroes into clubs at Princeton in the 1940s, his outspokenness against Sen. McCarthy and against the California loyalty oath in the 1950s, his support for a black studies program at San Francisco State College as long as four years ago.

He became a special target of the militant students last October, when he published that article in the quarterly, "The Public Interest." In it, he questioned whether the black studies program being drawn up for the College by Nathan Hare would allow for enough diversity in points of view on racial questions.

"It was a cautious piece, hardly something to provoke a kamikaze attack," he said.

Yet it is exactly that caution which angers the militants. For Bunzel, with his careful weighing of all sides of the question, represents to them the liberal enemy—the man in the middle who fails to take sides clearly and so blocks the revolution.

He not only questions their black student studies program but also has failed to support the American Federation of Teachers' strike, explaining that he believes "it is the wrong strike at the wrong time, and besides, I'm not completely persuaded that the industrial trade union model is appropriate to the academic community."

WORSE THAN WALLACE?

"He's much more a dangerous thing than a man like George Wallace," a BSU member told me. "With Wallace, everyone knows where he stands. But when Bunzel says something people say, yeah, he's a liberal so that must be right."

But to Bunzel, the right to say or write what he believes and to teach the class as he wants to is "the irreducible minimum of academic freedom."

"I will not be intimidated but I will not be afraid to acknowledge that sometimes I'm scared," he told me. "I've had police protection at home now for four months and that's a lousy way to live."

THE HONOR OF THE THING

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CARTER. Mr. Speaker, paraphrasing the words of Kipling, "Open the old cigar box, let us consider a space through the soft blue veil of the vapor, musing on the post office's new face."

Mr. Speaker, as it happens, I am not a member of the Post Office and Civil Service Committee, but any legislation or regulation which affects the 384 postmasters and the 132 rural routes in my district certainly affects me.

During the past 4 years, even though I have had this number of post offices and rural carriers, only two complaints of any importance have been made adversely reflecting on the professional efficiency of these employees.

Although many of these people have been chosen by members of the opposition party, evidently they have been chosen well. It has been my privilege to meet with many of these people on many occasions, and I have always been im-

pressed by their high character and devotion to duty.

I realize we have a problem with our post offices, but I assure you, Mr. Speaker, that it exists in our urban areas, and certainly not in rural areas such as I represent. It is my opinion that the efforts toward reorganization are being directed toward the perimeter, or rural areas, whose efficiency no one questions, rather than at the center, the urban areas, where great problems actually exist.

We Members on this side of the aisle have been told we would have the high honor of announcing the appointments made by certain selection boards. To those who offer this honor, this superlative honor, I will reply, "I am reminded of the old gentleman who had been tarred and feathered and was about to be ridden out of town on a rail, who said, 'If it was not for the honor of this thing I had rather walk.'"

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

[Mr. FINDLEY'S remarks will appear hereafter in the Extensions of Remarks.]

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

[Mr. FINDLEY'S remarks will appear hereafter in the Extensions of Remarks.]

VOICE OF DEMOCRACY CONTEST CONDUCTED BY VETERANS OF FOREIGN WARS

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MAYNE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States conducts a Voice of Democracy contest. This year over 400,000 students participated in the contest competing for five scholarships which are awarded as the top prizes. The contest theme was "Freedom's Challenge."

The winning contestant from each State is brought to Washington for the final judging as guest of the VFW. I am happy to report that this year's Iowa winner comes from the Sixth Congressional District, which I have the honor to represent. He is Grant M. Colvin, an outstanding high school student from Storm Lake, Iowa. I am looking forward to meeting this fine young American and the other winning contestants when they visit Washington next week. It is a real pleasure to commend Grant Colvin for his excellent speech which I have carefully read, and now insert at this point in the Record in the hope that it will be an inspiration to all interested Americans.

FREEDOM'S CHALLENGE

(By Grant M. Colvin)

One day while I was thinking of history and governments and nations, it suddenly struck me that I could not really put into

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Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the cooperation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control.

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources.

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special

fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.

3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territory of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on

effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date

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of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate, at the cities of Washington, London and Moscow, this first day of July one thousand nine hundred sixty-eight.

UNITED NATIONS SECURITY COUNCIL
RESOLUTION 255 (1968)

ADOPTED BY THE SECURITY COUNCIL AT ITS
1433RD MEETING ON 19 JUNE 1968

The Security Council,

Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. Welcomes the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. Reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

DECLARATION OF THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

(Made in the United Nations Security Council in explanation of its vote for Security Council Resolution 255 (1968))

The Government of the United States notes with appreciation the desire expressed by a large number of States to subscribe to the treaty on the non-proliferation of nuclear weapons.

We welcome the willingness of these States to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

The United States also notes the concern of certain of these States that, in conjunction with their adherence to the treaty on the non-proliferation of nuclear weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States.

Bearing these considerations in mind, the United States declares the following:

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking " * * * effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace * * *". Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

The United States affirms its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the treaty on the non-proliferation of nuclear weapons that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

The United States reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

The United States vote for the resolution before us and this statement of the way in which the United States intends to act in accordance with the Charter of the United Nations are based upon the fact that the resolution is supported by other permanent members of the Security Council which are nuclear-weapon States and are also proposing to sign the treaty on the non-proliferation

tion of nuclear weapons, and that these States have made similar statements as to the way in which they intend to act in accordance with the Charter.

LEGALIZED BIAS—THE OFCC

(Mr. RARICK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, a Federal agency, operating with little publicity except to its target victims is the OFCC of the Department of Labor, a governmental branch intent on interpreting and administering the law according to what its appointees feel satisfy them rather than the intent of the Congress.

Its aims sound flowerly, but everywhere it has been in operation, the results have been subsidized anarchy.

I had earlier remarked on the deplorable, disruptive, and devastating activities of this agency in the CONGRESSIONAL RECORD of April 20, 1967, and February 1, 1968.

One of the best exposés of this race-quota gestapo has been feature articles by the renowned pro-American writer, Mrs. Shirley Scheibla, which appeared in Barron's national business and financial weekly, in a three-part series.

I place all three parts of Mrs. Scheibla's work at this point in my remarks: GENTLEMAN'S AGREEMENT? GOVERNMENT IS MAKING BUSINESS ITS UNWILLING PARTNER IN BIAS—I

(By Shirley Scheibla)

WASHINGTON.—"I'm no crusader," the worried executive told a reporter recently, "but I'm no bigot either. All I am is a businessman trying to operate my company the best way I know how—which means bidding successfully for contracts I can deliver on, and hiring qualified workers I know can get the job done for me." This employer, however, like thousands of others in the U.S. today, is dependent for most of his business on federal contracting agencies, and Uncle Sam is determined to wipe out racial discrimination in private employment—at any cost. Because of the way Washington has been going about it, the cost can come high.

"If I don't sign a commitment to hire a certain number of nonwhites in each job category," explained the businessman, "the government threatens to deal me out. I face formal complaints by the Equal Employment Opportunity Commission and possible lawsuits by the Justice Department. I stand to lose millions of dollars in contracts—which means that dozens or even hundreds of workers' jobs are placed in jeopardy too, affecting blacks and whites alike. Yet I have no way to guarantee that I can find the people to meet these quotas, particularly in high-skill classifications. And the irony of it is, if I do go all-out with such 'reverse discrimination' in my hiring and firing, I run the very real risk of all-out trouble with organized labor."

BLOCKBUSTER APPROACH

There's little doubt that the government's blockbuster approach to the centuries-old problem of employment bias may be creating as many ills as it has cured. Not surprisingly, Parkinson's Law holds away here in a chaotic proliferation of policy-making bureaucrats, acting under one or the other of two edicts: the 1964 Civil Rights Act and President Johnson's Executive Order 11246 of 1965, which combine to blanket any employer of at least 50 persons as well as any contract of \$10,000 or more involving fed-

The highway patrol in Montpelier, Vt., called about No. 147868—and learned what medication the diabetic was taking. The Los Angeles police department called about No. 253321—another diabetic with specific medication requirements.

The police in Washington, D.C., called about No. 253932—and learned that the child having convulsions at the swimming pool was an epileptic, and what to do about him. A doctor in London, England, called when No. 153324 collapsed on a London street—and found out about his allergies.

Chester L. Watts, executive director of the nonprofit foundation, says their work is twofold—educating the 40 million people who should wear some warning on their persons about the foundation, and simultaneously educating law enforcement personnel and medical people to look for the Medic Alert tags.

The organization has uncovered a new kind of hypochondriac—which might be termed jewelry hypochondriacs. They want to wear a tag, even without any dangerous condition. One woman applied for membership and requested that her tag read: "Patient Takes Bile Salts." The foundation turned her down.

A new wrinkle is a tag which reads "Organ Donor." These are supplied to people desirous of giving one or more of their vital organs for transplanting. If these people become accident fatalities, the doctor at the scene can call Medic Alert and learn which of their organs can be used for transplanting.

More information about joining Medic Alert can be obtained directly from the foundation, Turlock, California, 95380.

LITHUANIAN INDEPENDENCE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1969

Mr. CUNNINGHAM. Mr. Speaker, February 16 marked the 51st anniversary of the Declaration of Independence of Lithuania. Because of the continuing subjugation and oppression by the Soviet Union, the only country in which Lithuanians were unable to commemorate this event was Lithuania itself.

It was in 1918 that the Lithuanian nation declared its independence. This was a goal for which the Lithuanian people had been striving throughout a long period of Russian domination—from 1795 to 1915.

Lithuania was occupied by the Germans during the First World War, but after two decades of independence, it again fell under Russian domination when it was occupied by the Red army during World War II.

It was declared a constituent Republic of the U.S.S.R. on August 3, 1940. Following the German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944. Since then, it has been considered by the Soviet Union as a component Republic.

The United States never has recognized the Soviet incorporation of Lithuania or the other two Baltic States, Estonia and Latvia.

Mr. Speaker, Americans of Lithuanian extraction are among our most patriotic citizens. Let us join them in hope that their homeland will again be an independent nation.

NONPROLIFERATION TRAP

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1969

Mr. GROSS. Mr. Speaker, retired Gen. Thomas A. Lane has written a column which all Americans ought to have the opportunity to read and in which he correctly denounces the proposed so-called Nonproliferation Treaty as a "fraud" and a "trap."

In the hope that more citizens of this country will have the opportunity to read the general's views on this subject, I am submitting it for publication in the CONGRESSIONAL RECORD, as follows:

WASHINGTON.—In debate on the Johnson pay raises for the federal elite, Majority Leader Mike Mansfield asked, "Are we mice or are we men?" The majority showed they were mice in the way they went after the Johnson cheese!

Now we have a new measure to test the qualities of the senators. The vote will have special significance for Republican senators because the Johnson Non-Proliferation Treaty has been indorsed by President Richard Nixon.

While Democrats held the White House, Republicans were free to vote their convictions on important policy issues. They could all be patriots. Now that they are receiving guidance from the White House, Republican senators must decide whether the party or the country comes first. Will they compromise their convictions to accommodate the White House influence?

The Non-Proliferation Treaty is a good test because the issue is so clear-cut and because President Nixon has come down on the wrong side of it. The national interest calls clearly for rejection of the treaty.

This treaty is a fraud upon the American people. It pretends to serve peace; but it increases the prospect of war by disarming the West without corresponding restraint of the Communist powers. The central Soviet objective in this treaty is to deny nuclear weapons to West Germany. Secondary targets are Japan, India and Israel. The treaty does not disarm any Communist powers.

This treaty provides specifically that the signatory powers shall not do what the Soviet Union did in Czechoslovakia. We have long known that the Soviet Union regards these treaties as scraps of paper to mislead the ever-trusting West. How can American leaders, in the face of such a breach of the treaty before it is signed, pretend that such immoral contracting helps the cause of peace? It is clear that they strike these postures only to deceive the American people and not with any expectation of restraining Soviet aggression.

What aberration of political strategy dictated the Nixon commitment to this treaty on the eve of his trip to Europe? Why didn't he wait to talk with his allies before taking the leap? His action signals to Europe more plainly than words could do: "I am standing with Britain against the interests of the continental allies." Who told the President that this action would help him to heal the rift in the Atlantic Alliance?

Free Europe is now a weak aggregation of independent and competing powers. It has a potential to become through union a superpower matching the United States and the U.S.S.R. Soviet leaders fear this development and do all they can to prevent it. They prefer to have weak neighbors. And how could they hold their satellites with a free superpower next door?

Britain also fears the unification of continental Europe. For 400 years, the corner-

stone of British policy has been the balance of power, the division of Europe. So Britain works assiduously to stir the jealousies which will be a barrier to union. In this matter, Britain is in league with the Soviet Union.

But European unity would serve U.S. interests and the cause of peace. A strong Europe and a secure Europe. It will not need the billions of dollars which the United States has been pouring out to protect a weak Europe. No longer will the people of Europe be under the threat of conquest and dependent upon U.S. protection.

Why then is the United States playing the lackey of Britain and the dupe of the Soviet Union? Why doesn't it listen to the allies who are standing face-to-face with the Soviet threat? West Germany has opposed this treaty and surely will not sign it. Does President Nixon propose to join Britain and the Soviet Union in condemning West Germany? He does so when he indorses this treaty.

The Non-Proliferation Treaty was a pending issue of international policy which offered President Nixon opportunity to demonstrate that grasp of foreign policy which he had claimed and the people had allowed. It gave him a signal occasion to correct the Johnson error and fulfill the people's hopes. His blundering approach to Europe in this matter, his adherence to the dogmatic Johnson pursuit of detente, do not auger well for U.S. success.

If President Nixon is going to be so easily led by Britain, he is not going to be respected by France and West Germany. He will encounter the very obstacles to allied harmony which effectively stymied the Kennedy and Johnson administrations.

The Senate must save the President and the country from such a disaster. It must reject the Non-Proliferation Treaty and invite the President to try some new initiatives in foreign policy.

TRIBUTE TO CONGRESSMAN ROBERT A. EVERETT—EIGHTH DISTRICT, TENNESSEE

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1969

Mr. PASSMAN. Mr. Speaker, I am greatly saddened at the untimely passing of my friend and colleague, the late ROBERT A. "FATS" EVERETT. The State of Tennessee and the whole Nation have lost a devoted and effective public servant in the death of this great man.

Known to his numerous friends as "FATS," BOB EVERETT was indeed a dedicated, hard-working Congressman. His service as a Member of this body has benefited all Americans. The void left in this body by his passing will not be easily filled.

It was my privilege to enjoy a warm friendship with BOB EVERETT. He was always willing to assist and counsel with his many personal friends about many matters of which he had great knowledge. His personality was sufficient to cheer all of those with whom he came in contact. I shall miss "FATS," my personal friend, and I want to extend my heartfelt sympathy to his revered mother Mrs. Lelia Ashton Everett, in her hour of sorrow and great loss. My prayers are that our Heavenly Father will sustain her at this time of distress.

EXTENSIONS OF REMARKS

THE REPUBLIC OF LITHUANIA

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1969

Mr. MORSE. Mr. Speaker, February 16 marks the anniversary of the restoration of the independence of Lithuania. This year is the 51st year after the nation-state was proclaimed in 1918. For 22 years the Republic of Lithuania flourished culturally intellectually, and politically.

This progress was cut short, however, by forced occupation by the U.S.S.R., under whose oppressive and tyrannical domination the people of Lithuania still suffer.

It is particularly important, in view of the dedication of the United States to the right to freedom and independence, that we stand today to commemorate the day when Lithuania was a free and independent nation, to reaffirm our support for justice, and to keep alive the spirit and hope for the day when Lithuania and all captive nations will once again enjoy the exercise of the principles of liberty and self-determination.

The memorandum from the Lithuanian Christian Democratic Union Central Committee is an eloquent expression of the courage, ideals, and goals of the Lithuanian people, and it is an honor to include it here:

LITHUANIAN CHRISTIAN DEMOCRATIC UNION
MEMORANDUM

To the Honorable Members of the U.S. Senate and the House of Representatives:

Today marks the Fifty-First Anniversary of the restoration of the independence of Lithuania, once an ancient civilization, whose roots reach to the second century and its kingdom to the thirteenth; that of a nation whose political, economic and social record was as distinctive as it was progressive. It is tragic therefore, that this anniversary is overshadowed by the brutal fact that Lithuania today bears the heavy yoke of Soviet imperialism.

Acting in conspiracy with the Nazi regime—see "Nazi-Soviet Relations 1939-1941", excerpts attached—the Soviet Union broke four major bilateral treaties:

1. The Treaty of Brest-Litovsk of March 3, 1918 in which the Soviet Union forever renounced all claims to Lithuania.
2. The Peace Treaty of July 12, 1920, which defined the common boundaries.
3. The Non-Aggression Pact of September 28, 1926, which was later extended to 1945.
4. The Soviet imposed Mutual Assistance Pact of October 10, 1939.

On June 15, 1940, with the above treaties in full force and effect, the military forces of Soviet Union occupied the territory of Lithuania, and two days later repeated the same attack against the Republics of Latvia and Estonia. Occupation was followed by systematic terror and violence. Religious and political persecutions culminated in mass executions and deportations to the Siberian wastelands. Many sources place the number of such Baltic victims at the one million mark.

Several weeks later, the Soviets staged mock elections and as the result of these, forcibly incorporated Lithuania and the

other Baltic Republics into their slave empire.

On July 23, 1940, the United States denounced this aggression, and all administrations since then have affirmed this stand and have opposed this brutal invasion and forced annexation.

It is difficult to conceive that during the present rise of many former colonies to their rightly deserved national independence, a shroud of silence is maintained about Lithuania and the other Soviet occupied countries whose traditions of statehood reach back for many centuries.

It is even more difficult to conceive that all the international crimes committed by the Soviet Union are still not rectified, nor the criminal punished. It is indeed a crime in itself that Krepelin is still permitted to indulge in international rape, as in the case of Czechoslovakia just a few short months ago.

It is time to raise such questions before international forums and to seek condemnation of the Soviet Union or its genocidal actions. It is also time to investigate the illegal seizure of Lithuania and the other countries of Eastern Europe and to thoroughly study the prevailing conditions in these countries, the results of which should be made public.

At this time there is a plan submitted by the Honorable Frank Annunzio, U.S. Representative from Illinois, in a form of H. Con. Res. 81, which "Expresses the sense of Congress with respect to the incorporation of Latvia, Lithuania and Estonia into the Union of Soviet Socialist Republics."

We ask all of you to support this Resolution. It is one definite way in which you can help us in our fight for liberty and justice.

Very respectfully submitted.

A. J. KASULAITIS,
President, Central Committee.

K. ALGIMANTAS PAUTIENIS,
Chairman, Commission on International Relations.

THREE HUNDRED THOUSAND WEAR MEDIC ALERT EMBLEM THAT SAVES LIVES

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1969

Mr. McFALL. Mr. Speaker, it is a source of pride to me that my district is the home of the Medic Alert Foundation, a charitable, nonprofit organization dedicated to the purpose of saving lives.

This is accomplished by indestructible metal emblems worn on the wrists or necks of some 300,000 persons in the United States and other countries. On the emblem is noted some hidden or special medical problem for which they require certain treatment or care. It also carries the Medic Alert serial number of the wearer and the telephone number of Medic Alert's headquarters in Turlock, Calif., where medical records of each member are on file. Thus, in an emergency, they are saved from the wrong treatment or people who assist them are alerted to their need for specialized care.

This lifesaving organization was founded by Dr. Marion Carter Collins, a resident of Turlock who attended high

school there, went on to Stanford University and Northwestern University Medical School, then returned to Turlock to operate the Lillian Collins Hospital with his father, also a physician. He founded Medic Alert Foundation after his daughter Linda nearly died from a severe anaphylactic reaction to a tetanus antitoxin skin test. In 1964 he retired from medical practice to devote full time to Medic Alert. He and the foundation's directors serve without remuneration.

This is a dramatic story, Mr. Speaker, and I am confident you and our colleagues will be interested in the following brief article from the Stockton, Calif., Record of January 4, giving a few striking examples of how Medic Alert has saved the lives of people who might have died but for the bracelet on their arms:

THE TINY TAG THAT COULD SAVE YOUR LIFE

(By Dick Kleiner)

One day in 1953, a teenage girl in Turlock cut her finger. Because of that incident, today more than 300,000 people believe their lives may have been saved—or may someday be saved.

The girl's name is Linda Collins. When she cut her finger, 15 years ago, she was taken to a hospital where the attending physician gave her a routine patch test, before administering tetanus antitoxin, to see if she was allergic to that serum. She was, in fact, so allergic that the patch test alone put her in a coma for four days.

A full shot undoubtedly would have killed her. Her father and her mother naturally worried that someday a doctor, unaware of her deadly allergy, might give her such a dose. Any parents would worry. But Linda Collins' father was a doctor—Dr. Marion Collins—and he worried with direction.

He thought of devising some methods of warning any police or doctors who might treat Linda in the event of an accident. He knew a card in her wallet might not be discovered until too late. He knew the girl's vanity would not stand for a tattooed notice.

Then came the idea which has become the Medic Alert Foundation—a bracelet tag with the words, "Allergic to Tetanus Antitoxin" engraved on it.

More than 3,000 people a month now join Medic Alert, and wear tags around their wrists or necks. These warn of many potential dangers—diabetes, epilepsy, various allergies, heart conditions, neck breathing, hemophilia, even such items as that the wearer is a scuba diver (and could fall victim to the bends as long as two hours after he leaves the water) or that he wears contact lens (which must be taken out before they scratch the retina).

Medic Alert today is a big organization. What started out with one member—Linda Collins—has grown.

Dr. Collins and his wife used to do all the work themselves, in their playroom after he finished his day's calls. Now the foundation has a neat yellow building catty-corner from Turlock's town hall, with paid workers and many local volunteer ladies going through the mail and filling the orders and engraving the bracelets.

Each tag contains information as to the wearer's condition—so it is readily noted in case of emergency—plus an identifying number and the telephone number of Medic Alert. If the wearer is in an accident, the doctor who treats him can call for more information, which is kept on file in a fireproof room here.

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"The liberation of our fatherland is a contribution to the national liberation movement of the whole world. . . . The SVN people take the task of defeating U.S. imperialism in SVN as support for the people of Laos, Venezuela, the Dominican Republic, and Congo. . . . If the U.S. . . . can be defeated in SVN, it will be possible to defeat it anywhere in the world."

The communists' world-wide propaganda effort on the Vietnam war is probably greater and better coordinated than any other propaganda campaign in history. The propaganda din is well calculated to confuse. Contributing to public confusion is the dearth of news reporting from communist areas where few reporters are admitted, while some 500 foreign newsmen of at least 20 nations freely observe and report virtually all that transpires in South Vietnam. It becomes increasingly difficult to distinguish between the propaganda-induced arguments and the normal differences of opinion about national policy, strategy, and tactics. The individual citizen is saddled with an awesome task of differentiating between fact and propaganda fiction, a distinction necessary to the safeguarding of American democratic processes.

NUCLEAR NONPROLIFERATION TREATY

Mr. TOWER. Mr. President, I have offered for the Senate's consideration a reservation to the Nuclear Nonproliferation Treaty which will soon be before us. It is a reservation to preserve what is popularly known as the "NATO option."

As a member of the Committee on Armed Services, I have devoted many months of study to this treaty. I feel that I must now speak very candidly about it. I frankly do not think it amounts to much. Its substantive provisions change virtually nothing about international nuclear control. Our European allies tell me it causes them serious problems. And, I find that the only possible value this Nonproliferation Treaty could have would be as a bilateral, political maneuver between the United States and the Soviet Union—a maneuver which both our old and new administrations think might be a small stepping stone toward further talks and negotiations between the two super powers.

But, I still have grave doubts that the political value of this treaty, outweighs its admitted shortcomings. I cannot give my approval to it unless a number of its provisions are clarified.

At the very least, I hope all Americans will realize that this Nonproliferation Treaty is most unlikely to change anything about the way nuclear weapons are handled. It provides no disarmament. I do not want any of us to expect miracles from this treaty even if it is eventually ratified by the Senate.

Let me explain briefly some of my concerns. The treaty's central provisions seek to forbid the five countries with nuclear weapons from giving them to nonnuclear nations. Domestic U.S. law already prevents us from doing that. Great Britain gives no nuclear weapons away. Neither does the Soviet Union—but treaties never have prevented the Soviets from doing whatever they wanted anyhow.

The other two nuclear powers—France and Red China—have said they would not sign the treaty at all; so it does not affect them.

Furthermore, the most important nations which have the technological capability to build nuclear weapons for themselves in the near future have not signed the treaty either. These include West Germany, Israel, Italy, and Japan—all of them our strong allies in international affairs.

Clearly the Nonproliferation Treaty does not affect the more than 100 nuclear "have not" nations which have no resources to become nuclear powers. They give up absolutely nothing by signing the treaty.

Finally, the treaty says that any nation can completely withdraw from it on 3-months notice if it feels a supreme need to do so.

Another important shortcoming of the treaty is inspection. You recall how important inspection was in the Limited Test Ban Treaty. Yet, the Nonproliferation Treaty provides for inspection by an agency of the United Nations that today has about 15 inspectors and virtually no funds. And, nothing in the treaty says where more inspectors will come from, what their standards will be, or who will pay for them. Russia already has refused to allow any inspectors on its territory.

Another difficulty with the treaty which troubles some Senators is the implied idea that free world nuclear powers will defend any nonnuclear nation against nuclear attack from the Communist world. Taken literally that would mean we were committed to start nuclear war on behalf of every tiny nation on earth. Clearly, we cannot agree to that, but this treaty raises and does not answer the question.

The major conflict of interest between the Soviet Union and the United States in examining the proposed nuclear nonproliferation treaty is this: Is it possible to reconcile U.S. interest in strengthening NATO and Moscow's objective in weakening it? Specifically applied to Germany the question is: Can the United States keep Germany from following the example of France—and China—in developing national nuclear weapons and at the same time keep her a satisfied member of the Western Alliance? In its present form the Nonproliferation Treaty will destroy the NATO option and encourage Germany and other states of western Europe to acquire nuclear weapons. A secondary aspect of this is the fact that the proposed treaty is the vehicle upon which recent German frustration has been centered. Although these frustrations result from other things they nevertheless have attached themselves to the treaty.

In the military area the proposed treaty does two things which genuinely alarm many west Europeans. First, it prevents a purely defensive ABM system under either NATO or national control. Second, it precludes other NATO nuclear defenses.

For these two reasons, I have offered a reservation which should be attached to the treaty preserving the option to establish Atlantic nuclear defenses. This retention of the NATO option in the NNPT was included in all proposals made by Presidents Eisenhower and Kennedy and, initially at least, by President Johnson.

Without such a reservation we will see a continuation of two trends which are now clearly evident in Europe. These two trends result from U.S. policy of unilaterally changing its posture regarding western defenses without consultation or taking into consideration the wishes and national interests of our allies. Both heighten the dangers of the United States becoming isolated in western Europe.

The first trend, that is to develop national nuclear defenses, is most clearly evident in France although there is a growing element in West Germany and Italy that advocates this position. The French believe the U.S. commitment to defend Europe cannot be taken seriously. They further believe the United States and the Soviet Union will try to reach an agreement, a sort of international condominium in which the final European settlement will be made over the heads of Europeans, East and West. Consequently, French strategy is to develop its own defenses and be independent of any integrated command structure. It obviously follows that once a nation is convinced that its alliance partner will not defend it, it will prepare its own defenses. The French have done this by becoming the fourth nuclear power. They pulled out of the integrated command of NATO because, first, they fear the United States will involve Europe in a war without consulting its allies as in the Cuban alert of 1962, and second, the integrated command under American control will make the defense of France dependent upon Washington.

It is a curious fact but nevertheless true that American arms negotiations with the Soviet Union and other secret negotiations have had the effect of proliferating nuclear weapons by encouraging the French to develop their own program and to pull out of NATO's command structure.

The second trend in Europe is the opposite of the first and is most noticeable among the smaller European countries although there is some support for it in Germany because of Germany's exposed position. This trend is one toward accommodation with the Soviet Union. Here it is entirely possible to envision a series of treaties which will effectively destroy NATO and render Western Europe a continent of Finlands. The ultimate effect of this will be to shift the balance of power to the Soviet state because all of Europe will be under its political suzerainty. Both of these trends should be alarming for the United States. I believe that if one or more NATO nations acquire nuclear weapons, most of the others will be forced to follow because an atmosphere of mutual fear and distrust will have been generated.

In less than 100 years, three major wars have started in Europe because of the jealousies, hates, and fears of the individual European states. Whatever the faults of NATO and the Warsaw Pact, they have at least had the effect of restraining the old European jealousies which ignited the sparks of war.

A group of European states each having individual nuclear weapons could be a dangerous development for the United States. Curiously however, this

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treaty will not prevent a nation from acting in its own national self interest. Peace is not assured by treaties. A treaty and the political pressure which accompanies it to force a nation to renounce a capability of self defense is inviting disaster. The basic irritant in German-American relations in the last 8 years has been the feeling on the part of many Germans that the United States forces them to do something against their best wishes but that Germany has no alternative but to do what the United States wants. There may come a time however when a resurgent Germany will decide that it is capable of defending itself if it had nuclear weapons and will move to acquire them. This can be prevented as long as Germany is convinced that her security is guaranteed, and what can be said about Germany can be said about each of the other NATO countries. A reservation should be attached to the treaty which reads as follows:

Subject to the reservation that such treaty shall not be construed as precluding the provision of weapons or other materials for the establishment of nuclear defense to regional organizations established under Article 52 of the Charter of the United Nations.

This reservation which would retain the NATO option reflects the position of the United States on the Nonproliferation Treaty up until October, 1966.

The curious thing to me about this draft treaty, the arguments for it, is that the proponents of the treaty in many cases are the very people who advocate troop withdrawal from western Europe. They favor the treaty because of a fear of nuclear war, and anything that can be sold to them, whether it be the doctrine of flexible response, the nuclear test ban treaty, etc. is desirable. They feel that the United States should have every option open to defend itself or defend its allies without resorting to nuclear weapons. And yet the only thing that even in a remote way enables us to have some degree of flexible response in Europe is the presence of U.S. troops, which conceivably though I doubt it, prevents a Soviet or east European military probe into western Europe. If we force our NATO allies to renounce ownership of nuclear weapons in an alliance system at the same time that we are seriously considering withdrawing troops, then we have left ourselves with no flexible response. In the event of a probe across the Elbe River we are left with either an ultimatum to the Soviet Union and the threat of nuclear war or we must acquiesce in Soviet occupation of western European territory. Temporarily at least those who favor troop withdrawal from Europe are not in a majority. But the pressures will surely grow to bring the boys home and that day may come when the U.S. troops in Europe may be even less than Belgium has in Germany. At that time the Soviets will no longer consider our guarantees credible. Since there is no automatic nuclear response by the United States to an attack on Europe and since at that time the French and British deterrents will probably still not be creditable, then the invitation for Soviet probes will be very inviting. But if the ownership of nuclear weapons by the alliance can be implemented, it will

give each of our partners the feeling of security and the ability to influence their own destinies and defense, and at the same time prevent them from acquiring national control of nuclear weapons. It will also pave the way for the withdrawal of some U.S. troops because a credible nuclear deterrent will in my judgment negate the need for American troops of any sizeable number.

Our European allies have special problems with this treaty. They all hope for the day when Europe can become more united. As a step toward eventual political unity they hope for unified defense agreements. Yet, this treaty would forbid a unified European defense command from having nuclear weapons with which to confront the existing Soviet threat.

The treaty provides for an agreement between the International Atomic Energy Agency in Vienna—IAEA—and the Common Market nuclear agency—Euratom—within 2 years. But it bans the delivery of nuclear material even for peaceful purposes, to any signatory of the treaty after those 2 years are up, whether or not a satisfactory agreement between Euratom and the Vienna Agency has been reached. Therefore, even if the West Germans sign the treaty they would be forced to delay ratification until such an agreement has been reached. The Italian Government has stated this same intention in signing the treaty.

Keeping Euratom as the controlling organ of inspection for Europe, if the treaty is signed is a vital issue for Germany, not only because they have confidence in the fairness of its methods of inspection, but because the preservation of Euratom's authority and influence is vital to European integration, of which it is one of the pillars.

The fervent German desire for further European integration also leads to bitter disappointment because the treaty closes the door to any collective European multilateral nuclear force as well as to any Atlantic or NATO nuclear force—such as General Norstad once proposed as NATO commander, or such as the United States later officially proposed in the MLF plan for an Atlantic nuclear naval force.

The U.S. Government has assured the Germans that a truly federated or united states of Europe, which included France and/or Britain, would be permitted under the treaty to have its own nuclear force on the grounds that such a European federation would be a "successor state" to one of the present nuclear powers. However, not only have the Russians refused to accept this American interpretation, but European critics believe that even the American interpretation to be broadened so as to recognize the right of European confederation to have its own nuclear force, as a step toward the ultimately hoped for European federation.

The treaty, as it stands, would prevent any and all nonnuclear signatories of the treaty from ever developing even a purely defensive anti-ballistic-missile system, if such a system should be developed within the next 25 years, as some distinguished scientists predict. This objection is especially pertinent because of the concentration of Soviet missiles—IRBM's—on European targets.

The treaty pledges that the nuclear

powers will urgently pursue nuclear disarmament in order to end the discrimination which it will establish between nuclear and nonnuclear powers. However, in the light of Soviet preponderance in conventional armaments and their immediate threat to West Germany, many Germans believe it essential that the disarmament pledge should be extended to conventional weapons also.

For all these reasons, Mr. President, I hope that my reservation will be adopted. I ask unanimous consent that there be printed at the conclusion of my remarks a summary of developments in the U.S. negotiating position on this treaty as it affects the NATO option question.

I also ask that there be printed in the RECORD an article by the former Italian ambassador to the United States, the Honorable Sergio Fenoaltea. The article elaborates on the problems which the treaty causes our European allies.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUMMARY OF DEVELOPMENTS RELATING TO RETREAT OF U.S. NEGOTIATING POSITION REGARDING NATO OPTION IN NUCLEAR NONPROLIFERATION TREATY

On August 29, 1957, the U.S. in co-operation with three other powers (France, Canada, and the United Kingdom) proposed a scheme that would restrict nuclear proliferation but at the same time require nuclear nations to cease their production of fissionable material for weapon purposes. A caveat to the nonproliferation proposal was that nuclear weapons could be transferred for individual or collective self-defense.

Initially U.S. position envisioned some nuclear sharing arrangement within the framework of multi-national alliances like NATO but it sought to reduce nuclear weapon production as well as proliferation. The Soviet Union on September 20, 1957, rejected these proposals, especially the collective sharing of nuclear weapons. In 1959, the United Nations adopted a general resolution urging efforts to be undertaken to prevent nuclear proliferation.

In 1961, the United States undertook its first significant change in its position. It abandoned the transfer of nuclear weapons for defense purposes to individual nations. But it still retained collective sharing under an alliance as a part of its policy.

From 1962 to August 17, 1965, the main issue at the Geneva Conference on nuclear proliferation was whether such an agreement would prevent nuclear sharing arrangements within a collective defense organization like NATO. The Soviet Union was anxious to make sure it did, whereas the U.S. did not want to close the door on possible arrangements within NATO.

On August 17, 1965, the U.S. made the second major change in its position. It retained the concept of nuclear sharing, but only if the total number of nuclear states did not increase. Ambassador Foster stated that this U.S. position would not preclude the establishment of nuclear arrangements within NATO so long as the arrangement did not constitute an additional entity having the power to use nuclear weapons independent of existing nuclear nations. In other words, if the U.S. independently surrendered its control over all its own nuclear weapons to a NATO arrangement then a sharing arrangement would be possible. This proposal, in light of the 1964 presidential campaign in which the President re-iterated that U.S. would never surrender control of nuclear weapons was a farce. Since the S.U. realized that the U.S. was not about to turn over voluntarily its entire stockpile of nuclear

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weapons to a new organization and renounce its right of veto over them, Moscow could see light at the end of the tunnel in their efforts to prohibit any sharing arrangement. On September 24, 1965, the Soviet Union insisted again that any sharing arrangement within a military alliance was out of the question.

Objective evidence indicates that the Soviet Union's patience was rewarded on October 10, 1966, when President Johnson and Secretary Rusk met Soviet Foreign Minister Gromyko at the White House. The New York Times reported on August 25, 1967:

It has since become clear that in their talks that day President Johnson and Mr. Rusk gave Mr. Gromyko strong indication that the previous United States reservations, aimed at accommodating some nuclear sharing device in the North Atlantic Treaty Organization had been withdrawn.

After that time the Geneva Conference marked time waiting for the U.S. to finish "consultation" with its allies. Within less than a year, on August 24, 1967, the U.S. and the S.U. came to an agreement on all particulars except the inspection provision which was soon remedied by absurdly "agreeing to agree" at some later date.

In the ten year period from 1957 through 1967, the United States changed its position on three major points. It no longer suggested that the nuclear powers reduce their own stockpiles at the same time non-proliferation measures were taken. It no longer insisted upon some arrangement for individual self-defense. Most important, it dropped the requirement that nuclear sharing within NATO be protected.

NON-PROLIFERATION AND EUROPE

(By Sergio Fenoaltea)

Today in Europe there is anxiety among America's allies. The Russian invasion of Czechoslovakia has once again raised the specter of aggressive military power to the east, while American involvement in an Asian war gives little hope of an immediate resumption of American interest in European affairs, however much Europeans may desire such a revival. In part, too, European anxiety is due to American policy—the policy which has been enshrined in the non-proliferation treaty (NPT). What those committed to the establishment of European unity fear is that the aim they have pursued for years will no longer be practicable once the present treaty is in force.

It is my opinion that the present draft which, unlike previous American drafts, prevents the existing nuclear powers from surrendering their nuclear role to an international or multilateral body, would deal a hard, perhaps fatal, blow to European unification.

First, because by sanctioning a special position for Britain and France it would discourage them from merging into a united Europe lest, by so doing, they forfeit their privileged positions.

Second, because the treaty would introduce an element of perpetual inequality of status among European states.

Third (and this is the crucial point), because in forbidding any government to transfer control over nuclear weapons not only to other governments but "to any recipient whatsoever," the treaty would make it impossible for the existing European nuclear powers to surrender their nuclear role to an international or supranational European community. This means—and the gravity of it can hardly be overrated—that if Great Britain, or perhaps France one day, becomes so mature in her European conscience as to be willing to join in a European defense community and to surrender to it her nuclear role, she would be prevented from doing so by her NPT obligations. This also means giving the USSR a say in the process of European unification.

Fourth, the effects of the provisions of the NPT would, in Europe, go well beyond the nuclear field. Owing to the impossibility of merging the defense structures of nuclear and non-nuclear states, the formation of any kind of European defense community would, in fact, become impossible.

NPT, in its present form, condemns Europeans to nationalism, even against their will. This is, of course, a complete reversal of US policy which, beginning with the Marshall Plan, was aimed at prodding the Europeans to forego nationalism in favor of unification. In other words, the problem that NPT in its present form creates for Europe is not whether a unified Europe can or cannot "have the bomb," but whether Europe can or cannot unite.

One might ask why NPT presents a special problem for Europe. The answer is simple—all too simple.

The impulse to go beyond nationalism and create multinational or supranational organizations absorbing the functions of the existing national states is not confined to Europe: it can be seen in Latin America and Africa as well. It stems from the realization that everywhere—except in North America, Russia and China—the dimensions of the nation-state are too small to cope with the problems of our century. To hinder this movement would be folly; it would mean going against the tide of history and perpetuating conditions of anarchy, national rivalries and instability in the world. But in Africa and Latin America there is no national nuclear state, whereas there are two in Western Europe. Therefore, the NPT in its present form does not hinder the movement toward supranational or multinational unification in Africa or Latin America, because it creates no permanent disparity between national states within those areas; whereas it does create such a disparity between national states in Europe.

The requirements of European unification could be met in a non-proliferation treaty by a formula, couched in general terms, permitting any nuclear member of an international or regional association to surrender its nuclear role to the association. The former American draft of the treaty left open the possibility of such a transfer, as long as it would not have caused an increase in the total number of states and other organizations having independent power to use nuclear weapons. It is worth noting that such a formulation was perfectly adequate to prevent proliferation (i.e., any increase in the number of nuclear subjects), to prevent the emergence of new national nuclear states (including the emergence of a German national nuclear armament), and to make sure that world areas where there is no nuclear power—Africa, Latin America, the Middle East—would remain that way.

It has been said by Secretary of State Dean Rusk (in his statement before the Foreign Relations Committee of the US Senate) that the NPT, in its present form, "would not bar succession by a new federated European state to the nuclear status of one of its former components"; in other words that it would not prevent a European Federation from having nuclear weapons. The underlying argument is that the treaty forbids any transfer of nuclear power, but if the existing European national states join in a federation this would not be a case of transfer but of succession, and the treaty is silent about succession. The argument is a remarkable piece of legalistic virtuosity. Unfortunately, it lacks any political substance, and to make use of it in order to prove that the NPT does not hinder European unification would be an equally remarkable piece, I am sorry to say, of self-deception. Let us analyze it at some length.

a) In the first place, a "federated European state" is a very remote and far-off eventuality, so that the argument is largely academic.

b) There is no provision in the treaty permitting any federation of states or federated state to acquire the nuclear power of its members. The argument is entirely based on interpretation, and negative interpretation at that, based not on what the treaty says but on what it does not say. There is as yet no certainty that all the signatories of the treaty, and particularly the USSR, will accept that interpretation and commit themselves to it.

c) The Secretary of State also said: "A new federated European state would have to control all of its external security functions, including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions." As the treaty has no provision concerning the nuclear role of federated states, to define what the powers of a federated state should be seems beside the point. Actually, the key word in the interpretation under analysis is not the word "federation" but the word "succession." For the interpretation to become applicable, what is essential is not that the federated state shall be more or less centralized, but that the legal hypothesis of succession (as something distinct from transfer) shall be fulfilled. This, in turn, requires nothing less than the disappearance of France or England as international entities.

d) Even admitting, for the sake of discussion, that the NPT does not prevent a federated Europe from acquiring on a "succession" basis the nuclear role of France or Britain, the NPT in its present form would still hamper unification. In fact, unification is possible only if rigidity and dogmatism about European institutions are avoided, only if we remain elastic and pragmatic about institutions.

e) For Europe, the "federated state" will be the final and crowning stage of the process of unification; the integration of particular sectors—coal and steel, external tariff, perhaps, one day, money and credit, defense, etc.—is the way that leads to that ultimate stage. The process cannot be reversed; to reverse it would be to stop it. Integration of European defense is a stage, and a very important stage, in the road toward federation, not vice versa. To say that Europe as a "federation state" could have a nuclear role, at the same time making it impossible for Europeans to establish an integrated defense community, is like offering a man a prize if he reaches the tenth step of a ladder while putting barbed wire around the sixth step.

f) All past schemes for European federation failed, and proved to be only generous utopias, precisely because they assumed the disappearance of the existing national states. Europe started making progress toward unification only when a new method was adopted, through the establishment of the European Communities: not waiting for the national states to disappear as international entities but transferring more and more functions from the national states to multilateral, supranational institutions. But, as Secretary Rusk also said in his statement: "While not dealing with succession by . . . a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multilateral entity (italics ours)." This candid and unambiguous statement confirms that the treaty, in its present form, forecloses the only road to unification of European defense that can be realistically foreseen.

The US may very well decide to jettison European unification for the sake of non-proliferation. But let nobody pretend that a legal quibble (the "succession" theory) eliminates the problem.

No one should underestimate the global responsibilities of the US and the desirability, indeed necessity, for it to favor détente and keep dialogue with the USSR open.

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However, détente should not be pursued at the price of European unification. The weakening of Europe, and the loss of sense of direction which would result from the shattering of hopes of unification, would not contribute to a lasting détente; indeed, they would introduce in the world situation an additional element of instability.

It is a feature of the world in which we live that the US and the USSR face each other both in Europe and in Southeast Asia; that all the historical and sociological factors (nationhood, to begin with) which communism is able to mobilize to its advantage in Southeast Asia militate against the USSR in Europe; that the USSR—to the extent to which Asian Communist movements are answerable to Moscow and not to Peking—can at any time curb Communist expansion in Asia if by doing so she can reap advantages in the areas more vital to it; that, conversely, the position of any Western power in Southeast Asia is so fraught with difficulties that the temptation of taking advantage of any service that the USSR might wish to offer to extricate it from those difficulties cannot fail to be strong.

Should anyone some day consider yielding to the temptation of buying some amount of Soviet goodwill in Asia with concessions in Europe, he should be reminded that any such policy would lead to disaster both in Europe and Asia, because concessions to the Soviets in Europe are final and irretrievable once made, while Soviet "concessions" in Asia are written on water. Recent history teaches a telling lesson, which is very much to the point. In 1954 the French Prime Minister-designate, M. Mendès-France, told the French National Assembly: "I ask you only a conditional vote of confidence. If within one month I am not able to come back to you with an acceptable truce in Indochina, I will resign." He went to Geneva, where the Soviets helped him to obtain a truce in Indochina, perhaps on better terms than those warranted by the then existing military situation. In doing this, the Soviets knew that they were saving the political life of M. Mendès-France. They also knew—whether there was, as many suspect, an explicit deal is irrelevant—that by saving the political life of M. Mendès-France as Prime Minister they were killing EDC. EDC remained dead. As for Indochina, we all know how long the truce lasted.

The impact on European morale of the NPT, if adopted in its present form, would be very severe.

The realization that the road to unification is blocked—even worse, the realization that the unification of Europe has ceased to be one of the goals of American policy—is bound to have lasting effects.

Nobody in France or Britain believes European unity to be around the corner. But unity is a goal, it provides a beacon, it gives a sense of purpose. In Germany and Italy, European unification is one of the two cornerstones on which the foreign policy of both countries has been based for the last 20 years; Atlantic partnership, which is contingent on European unification, is the other.

It would be difficult to exaggerate the importance that those two goals have had in Italy as a rallying point of her democratic forces, and the risk attached to their disappearance.

In Germany, there is the possibility that the NPT might bring the Federal Republic to the same fate as the Weimar Republic. It is essential for the political stability, indeed for the spiritual stability, of the Federal Republic to keep open, as an alternative to German reunification, the road toward an effective integration of Western Europe.

HOW TO RUN A RAILROAD

Mr. WILLIAMS of New Jersey. Mr. President, on February 14, the Evening News of Newark, N.J., published an editorial, "How to Run a Railroad." The

editorial salutes the Erie-Lackawanna Railroad for maintaining service during a severe snowstorm that crippled the New Jersey metropolitan area.

Getting any place that day was extremely difficult, and for the men of the Erie-Lackawanna to get to their jobs, is indicative of a tremendous devotion to duty. As also is pointed out, maintaining service was equally a tribute to the management of the line.

I know from personal contacts that commuters on the line were not only deeply appreciative, but also almost amazed that the trains were running that day.

The editorial also emphasizes a point I long have stressed—that mass transportation is the lifeline of modern urban-suburban society. The urban mass transit legislation which I have introduced, not only would insure that the railroads always will be running, but would provide integrated networks of transportation.

I believe the Evening News editorial is an appropriate tribute to the employees and management of the Erie-Lackawanna Railroad.

I ask unanimous consent that it be reprinted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

HOW TO RUN A RAILROAD

A sampling of letters from grateful riders printed in adjoining columns reflects the metropolitan community's appreciation for the superb performance of the Erie-Lackawanna Railroad during the weekend snowstorm that crippled other forms of transportation and most other commuter lines.

The Long Island Rail Road collapsed under a blanket of white. For all its new equipment, PATH was knocked out from Jersey City to Newark for 24 hours. The Penn Central managed to run about half of its trains, and these from three to four hours late.

Though jammed with riders who normally drive, the E-L burrowed through with 50-year-old rolling stock, canceling relatively few trains and holding fairly close to schedule.

How does this line consistently cope with adversity when others falter or fail completely? The main factor appears to be a remarkable devotion to service shared by supervisory personnel, engineers, trainmen and yard crews. Last Sunday, well before the storm reached its peak, E-L train crews reported hours before they were due to keep the tracks open and idle cars from getting snowbound.

Management clearly deserves credit for maintaining this spirit in the face of discrimination in the allotment of funds under the state subsidy and transportation bond issue.

While other railroads could emulate the Erie-Lackawanna to advantage, there is a larger lesson to be learned from civilization's latest losing bout with the elements. That is the absolute need for improved rapid transit in urbanized areas.

Before many more millions are spent on roads and highways that are choked with traffic as rapidly as they're built, New Jersey's transportation officials should concentrate on producing an integrated transit network using existing facilities and modernizing them as quickly as possible.

A TRIBUTE TO MICHAEL MUNKÁCSY

Mr. GOODELL. Mr. President, today is an occasion of great import to the

world of the arts and to the heroic Hungarian people, known throughout the world for their democratic spirit. For this week is the 125th anniversary of the birth of Michael Munkácsy, the celebrated Hungarian artist and patriot.

Michael Munkácsy was one of the most popular painters of the 19th century. He had a brilliant career and at the age of 26 was awarded the Gold Medal of the Paris Salon. For a dozen years or so, his name was a byword in European art circles and it was generally assumed that he would be remembered among the greatest of all time. Among the talented Hungarians in Europe during his lifetime, he was one of the best known, second only to the brilliant composer and musician, Ferenc Liszt.

Munkácsy was a clear-cut traditionalist, and a brilliant one. His tonal treatment, his striving for plasticity and reality, and his search for textures conveying exactness of reproduction to the fullest possible extent, rendered him the idol of all who worshipped the styles of the past. His triumph was interrupted by the development of the impressionist school, to which both he and his public were opposed. When the impressionists became the major force in the art world, Munkácsy was for a time obscured. A reevaluation of his work took place in the 1920's, however, and he once again was hailed as a master. From that day forward, he has been known as the greatest of Hungarian painters.

Before Munkácsy, there had been attempts, founded on romanticism, to create a living Hungarian art, national in spirit. Munkácsy carried these attempts much further, by means of his dramatically powerful romantic realism, which became the dominant form of Hungarian painting in the 19th century. His style featured strong character portrayal and sought to emphasize dramatic moments in the life of those concerned. The best works of Munkácsy would seem to emanate from a deep, responsive feeling for humanity. Here was no innovator, perhaps. But here was certainly an artist imbued with intense sympathy, critical judgment, social consciousness, and, not least, the ability to express the characteristics of a people. He was one of those who, in the words of the Hungarian patriot, Istvan Szecheny, "gave a nation to the world."

In his own country and in the eyes of Hungarians in every land, Munkácsy stands today as something in the nature of a legendary hero. He was the first truly great artist to tell the story of Hungarian life to a world which theretofore was virtually oblivious to it. He was a true Hungarian nationalist, and the force of his work helped strengthen the determination of his people to strive for freedom, against all odds and under any condition whatsoever.

THE FUTURE OF THE POVERTY PROGRAM

Mr. NELSON. Mr. President, the new administration sent a message to Congress on the future of the poverty program on Wednesday of last week. The message had been eagerly awaited by Congress and by the many thousands of people involved in the administration of

Our national leaders are well aware of changing pattern of naval balance. The merchant fleet was considered in a recent report of the House Armed Services Committee chaired by Mendel Rievers, D-S.C.

The report, prepared by a 22-man special subcommittee of the National Security Council, dealt with the "Changing Strategic Naval Balance, U.S.S.R. vs. U.S.A."

The Soviet Merchant Marine, according to the committee study, has risen from 21st rank in 1950 to fifth in 1968.

"The free world countries grew strong and stayed free through control of the seas, including leadership in global conference," the report points out. "The Soviet Union, however, is being allowed to take the position of maritime supremacy that hitherto has belonged to the seavoyaging free nations of the West."

The conclusion of the study was that a major build-up of U.S. sea power is called for, both military and merchant fleet. The Navy League has also adopted that position.

According to the naval balance report, "If the United States proceeds at full speed to augment its naval forces, the Soviet Union will not be able to wrest the trident from America's grasp."

The Navy League has proposed a five-point program to restore our merchant fleet to a preeminent position:

The United States must form a maritime policy providing incentive to gain a competitive maritime position on the oceans of the world. The failure of our government to formulate basic policy is the most critical element in cleaning up "the mess in the merchant marine."

Our nation must orient its national strategy to the oceans of the world, just as the Kremlin has done in recent years.

America must go after the merchant marine market by building at least 100 ships a year for the next 10 years.

Oceanic education must be fostered in our schools to give our youth as good a subject grounding in the seas as they now receive on the land environment. A Sea Grant College program must be pursued to mobilize scientists, scholars and students in the search for oceanic solutions to the problems of state.

A Maritime Manhattan Project must be created to stimulate maritime technological advances.

The critical nature of the decline in American seapower demands that the U.S. maintain and increase its supremacy on the oceans by building a larger and more modern fleet. The freedom of the United States and its allies in anchored in control of the oceans.

That is why we need a rebirth of the U.S. Merchant Marine.

[From the Navy Magazine, February 1969]
THE PRESIDENT'S MESSAGE: NAVAL LEADERSHIP AND THE NATIONAL OCEANIC DESTINY

"There is a tide in the affairs of men, which taken at the flood, leads on to fortune—" (Shakespeare).

Special significance attends the selection of the Governor of the maritime state of Rhode Island to the civilian leadership of the naval establishment. A brilliant oceanic mosaic is unfolding as John H. Chafee, a Marine, ascends the gangway, steps aboard and breaks his personal flag. The exciting American renaissance developing at sea augurs well for the future security and economic prosperity of the nation. Maritime opportunities are at an historic high.

Vision, enlightenment and determination are called for to meet the mounting menace of burgeoning Soviet maritime strength. Admittedly, regaining a preeminent American oceanic posture, to a marked degree, will depend on the leadership provided. But the key to capitalize upon this current trend of events is conviction. The crux of meeting

this national challenge is maritime program. Certainly, an understanding of the oceans is the fundamental building block for the national naval leadership to foster the magnitude of the program that is now needed. Though the educational aspects are paramount, the formulation of basic maritime doctrine for the guidance of our government is imperative in seeking seabased strategic "sufficiency."

NAVY SPARKS SCIENTIFIC PROGRESS

Traditionally, the Navy has provided the oceanic motivation, the initiative and intellectual incentives needed by the Nation. Understandably, both the Commander-in-Chief and the Congress have looked to the naval service and its civilian head for professional guidance and the scientific spark to foster national maritime progress.

Interestingly, it was at Rhode Island University, under Governor Chafee's stewardship, that the Sea Grant College program was launched by Dr. Athelstan Spilhaus, assisted by Dean Knauss. With the university sparking an educational and oceanic research program of revolutionary implication, Senator Claiborne Pell of Rhode Island spearheaded the Sea Grant College legislation through Congress to create a counterpart to the rewarding Land Grant College program.

Although in its infancy, the Sea Grant program has created an appreciable surge in ocean study. Unprecedented interest in ocean related disciplines and studies has been stimulated on college campuses throughout the country. Already the response of American scientists, scholars and students has been electrifying. But the incentives provided by enlightened leadership for the entire maritime program require reinforcement. Oceanic purpose must flow from national maritime policy. The reorientation of the American endeavor to the basic pursuit of the full range of oceanic activity and world trade, from a truly competitive, modern structure, will require public understanding as well as intellectual development in depth. Consequently, at the instigation of the Chief of Naval Operations, the League has broadly encouraged this ocean-oriented intellectual endeavor.

The Naval War College at Newport, R. I., the nation's center of intellectual leadership for the study and development of new concepts of naval and maritime power, is ideally suited to foster this understanding. At its global strategy seminar each year, leaders in all walks of life glean an insight into oceanic strategy and the import of the oceans relative to the national welfare. Highlighted at each seminar are the options afforded by the oceans toward solving the pressing problems of state.

SERVICE CHAMPION

As civilian spokesman for the naval services, the Secretary of the Navy endeavors to interject the maritime view convincingly into the process of our government. With the professional support of the Chief of Naval Operations and the Commandant of the Marine Corps, the Secretary of the Navy is respected as the most knowledgeable civilian leader on maritime matters within the government. Unfortunately with the passage of the National Security Act of 1947, the Secretary of the Navy was removed from the President's Cabinet. Since the Cabinet now is deprived of a spokesman capable of the direct interjection of the maritime viewpoint into its deliberations, the crucially significant role of the civilian head of the naval services is accentuated.

The pledges of the President to provide a Navy "second to none" and to revitalize the Merchant Marine, as a "first priority economic task", with emphasis on resolute oceanic research, are given marked credibility by his selection of the new Secretary. We are

confident that Governor Chafee brings to the Navy and the Marine Corps the civilian leadership and the service championship discouraged in recent years in the defense decision making process.

In welcoming the new Secretary aboard, the Navy League commends for his consideration the substance of our Declaration of Objectives and Resolutions. With broad public support, this projected maritime program provides potential for the President to build the modern mobile posture required to meet his worldwide responsibilities.

Welcome aboard, Mr. Secretary! We look to you for positive leadership and a strong civilian championship of the Service. In turn, we pledge the fullest measure of our purposes to assist you in the challenging responsibilities you have assumed on behalf of this great maritime nation.

CHARLES F. DUCHEIN,
National President, Navy League
of the United States.

SENTINEL POSES THREAT TO NON-PROLIFERATION PARTY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1969

Mr. RYAN. Mr. Speaker, the basic inconsistency of the proposed Sentinel anti-ballistic missile system was pointed out in a February 24 editorial which appeared in the New York Times. As that editorial points out, the Nuclear Non-Proliferation Treaty, which hopefully represents a first tentative step toward reducing the threat of nuclear war, could be seriously undermined if the administration proceeds with plans to deploy a new antiballistic missile system. Non-nuclear powers, which have approved the treaty, might question whether the United States indeed has a "good faith" interest in nuclear disarmament and possibly reassess their own decision not to develop nuclear arms. This, in turn, could only result in an increase in the insecurity which is posed by existent nuclear stockpiles. Instead of proceeding with the Sentinel system, the administration should enter into negotiations with the Soviet Union to limit—not enlarge—reliance upon offensive and defensive missile systems. The editorial follows:

THE SENTINEL AND THE TREATY

In his questioning of Secretary of State Rogers on the nuclear nonproliferation treaty Senator Albert Gore has exposed a fundamental inconsistency in the Administration's apparent resolve to push ahead with some sort of Sentinel antiballistic missile system—a resolve made more explicit last week by Secretary of Defense Laird. Mr. Gore noted that under Article VI of the treaty the nuclear powers undertake "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament."

The Sentinel program provides a critical test of how seriously the United States views its obligations under that article. If there is a "good faith" interest in nuclear disarmament, then the logical step would be to postpone deployment of the Sentinel system while the United States enters into negotiations with the Soviet Union to limit offensive and defensive strategic missiles. If, in-

stead, the Administration decides to proceed with Sentinel deployment on the distorted logic that accelerating the atomic arms race somehow leads to nuclear disarmament, then it will be apparent that the United States regards Article VI as little more than a pious statement imposing no obligations upon the nuclear powers.

Something far more important is at stake, however, than just this country's interpretation of Article VI. At issue is the whole future of the treaty, a matter that is likely to come up in President Nixon's European discussions this week.

So far as the non-nuclear states are concerned, the article was one of the more important concessions made by the two major nuclear powers in drafting the treaty. If the United States and the Soviet Union now indicate that they do not feel bound in any way by the article, then some of the more important non-nuclear states, such as Japan, Israel and India, can ask with good reason why they should take the treaty now of complete nuclear abstinence.

By proceeding with the Sentinel system, therefore, the United States can jeopardize the nuclear nonproliferation treaty. Even if the military utility of the system were much less dubious than it is, this would be a bad risk to run. In the long run, the spread of nuclear weapons undoubtedly presents a far greater danger than the still non-existent nuclear missiles in Communist China or the unproved usefulness of Sentinel as a bargaining counter in arms talks with Moscow.

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ROGERS CONCEDES POINT ON A-TREATY

Testifies Pact Would Oblige
U.S. to Enter Negotiations
With Soviet on Arms

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, Feb. 18—The Senate Foreign Relations Committee extracted a concession today from Secretary of State William P. Rogers that the United States, under the treaty to ban the spread of nuclear weapons, would have an obligation to enter into strategic arms talks with the Soviet Union.

Mr. Rogers expressed hope that such arms control negotiations could begin within the next six months and indicated that preparatory talks were already under way.

But Mr. Rogers left unclear the Administration's position on whether the United States should start deploying a ballistic missile defense system before entering into the negotiations.

Contention by Laird

At one point, under a crossfire of questioning from committee members opposed to such deployment, Mr. Rogers voiced the hope that the arms control talks could precede a decision on deployment of the Sentinel missile defense system.

This position seemed at variance with that of Defense Secretary Melvin R. Laird, who has been contending that deployment of the Sentinel system would strengthen the United States' bargaining hand in negotiations with the Russians.

While Mr. Rogers was testifying, Mr. Laird was indicating at a Pentagon news conference

Continued on Page 3, Column 1

that the Defense Department favored proceeding with deployment of the Sentinel system but revising it to make it more effective than the system proposed by the Johnson Administration.

The Deputy Defense Secretary, David M. Packard, who joined Mr. Laird at the news conference, said that in its current review the Defense Department was not considering basically different alternatives to the proposed Sentinel system but was, rather, studying various deployment options. One of the options under review, Mr. Laird said, is the moving of some of the Sentinel bases away from population centers.

When Mr. Laird testifies Thursday before the Foreign Relations Committee, he will be confronted with the same question that confronted Mr. Rogers: Why should the United States proceed with a missile defense system in view of the arms control obligations being assumed under the nuclear weapons treaty. In this developing debate, Mr. Rogers's concession today will provide the committee with an arguing point to be used against Mr. Laird.

Using the treaty as a platform, the committee is now mounting a concerted campaign against deployment of the Sentinel system. Under consideration by the committee is a plan to hold public hearings in early March—presumably before the Administration reaches a decision on the Sentinel system—on the foreign policy implications of deploying a missile defense system.

But at another point Mr. Rogers took the position that "realism requires that there be a certain mutuality" and argued that the treaty would not prevent the United States from proceeding with deployment of a missile defense system.

In his first public appearance since becoming Secretary of State a month ago, Mr. Rogers testified for three and three quarter hours in support of the treaty.

His first public confrontation with the committee in its cramped hearing room was amiable, in decided contrast to the testy encounters that developed between Secretary of State Dean Rusk and the committee.

But the relationship between the committee and the Secretary of State also showed signs of changing in another, potentially more significant way.

The committee, which used to be thrown on the defensive by Mr. Rusk's artful diplomatic ambiguities and evasiveness, showed new signs of assertiveness when dealing with a Secretary of State who talks in the brief, declarative sentences of a lawyer and who is obviously still feeling his way in the nuances of foreign policy.

Illustrative of the committee's new assertiveness was the manner in which it successfully linked the nuclear weapons treaty to the issue of whether the United States should deploy a missile defense system.

Seeks to Avoid Link

With first one argument, then another, Mr. Rogers sought to avoid such a connection. But under persistent questioning, particularly by Senator Albert Gore, Democrat of Tennessee, Mr. Rogers finally conceded that under Article VI of the treaty, the United States would undertake a commitment to enter into arms talks with the Soviet Union to curb the deployment of defensive as well as offensive strategic missiles.

Under Article VI, "Each of the parties to the treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

When the treaty was before the committee last year, the article went virtually unnoticed. But now it has been seized upon by the committee as one way to build up a case against deployment of the Sentinel system.

Subject Broached Gently

The committee broached the subject gently at first. Senator J. W. Fulbright, Democrat of Arkansas, the committee chairman, asked in almost a casual manner whether there was not "a little inconsistency" in urging ratification of the treaty while the United States accelerated the arms race by proceeding to deploy a missile defense system.

There is no inconsistency, Mr. Rogers countered, because "realism requires that there be a certain mutuality and that is what we are hoping for."

The clear implication of his answer was that in negotiation the Soviet Union, which is deploying a missile defense system around Moscow, would have little incentive to halt its system if the United States unilaterally refrained from deploying one.

The questioning turned sharper and more prolonged with Senator Gore. His essential argument was that under Article VI the United States would be committed to enter into arms control negotiations with the Soviet Union dealing with defensive as well as offensive weapons.

February 17, 1969

portant, in the case of a reservoir, surrounding developments could price out the full development of the site if delayed until some future date.

With the limited number of good reservoir sites I do not believe we can afford to preempt good sites with partial development under the guise of economic efficiency. With current projections of population growth and water consumption we will have difficulty explaining to the next generation our monument to planning insufficiency as evidenced by the number of undersized projects resulting from the use of a high imputed interest rate in project analysis. It will mean sizing projects to present rather than future needs. I cannot help but feel that even with the lower interest rates used in the past, a review of completed projects will show that in the vast majority of cases the future benefits have been greatly understated.

Many years ago I heard an old Chinese proverb which is applicable to my discussion today. It went something like this:

"If you are planning for tomorrow, gather twigs.

"If you are planning for next year, plant rice.

"If you are planning for 100 years, plant trees."

I hope that our planners and you together with the Corps of Engineers and Congress are going to start planting trees instead of gathering twigs.

NONPROLIFERATION TREATY NEGOTIATIONS

Mr. THURMOND. Mr. President, it will not be long before the Senate opens debate on the Nuclear Nonproliferation Treaty. As we all know, this treaty was drafted and negotiated by the previous administration. In my view, it would be useful for the new Senators and new members of the administration to familiarize themselves with the processes of negotiation and the manner in which our Government agencies participated.

Since we now are beginning a new administration, we have a unique opportunity to study the technique of the previous one. Accordingly, I have today written to the heads of the agencies which have the statutory responsibility for being involved in such negotiations on the nuclear Nonproliferation Treaty. I am asking them to tell me how the previous administration went about this work and who were the experts assigned to this problem. This information will provide useful insights into the workings of our democratic form of government. When the Senate is asked to give its advice and consent to a matter as important as an international treaty, it should inquire into all phases of the work. I am hopeful that the heads of these agencies will act as quickly as possible providing this information, despite the tremendous burdens they face in beginning their work. I wish that so important a treaty could be considered at a more leisurely pace, but the present timing of its disposition appears to prevent that care.

Mr. President, I ask unanimous consent that the text of the letters which I am today sending to five agency heads be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., February 17, 1969.

HON. RICHARD HELMS,
Director, Central Intelligence Agency,
Washington, D.C.

DEAR MR. HELMS: Since the Nuclear Non-Proliferation Treaty will soon be under discussion in the Senate, it would assist the Senate's Constitutional responsibilities to know the full history of the background of the negotiations which produced the text.

I would appreciate it if you could check the files of your agency and supply me with information on the composition of internal working groups and inter-agency committees in which your agency participated on Non-Proliferation Treaty questions. I am interested in the process of negotiating, and in the individual participants, both in the preliminaries in Washington, and in the work of the international conference teams abroad. I would particularly like to have this information with regard to the draft treaty of August 24, 1967; the draft treaty of January 18, 1968; the joint draft treaty of March 11, 1968; and the final draft of May 31, 1968.

In addition, I would like to know which departments of your agency and individuals who are presently assigned to responsibilities in regard to this treaty.

Because the treaty will reach the Senate in a matter of days, I would appreciate it if you could expedite the provision of this information.

With kind personal regards.
Sincerely,

STROM THURMOND.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., February 17, 1969.

HON. HENRY A. KISSINGER,
National Security Advisor,
The White House, Washington, D.C.

DEAR MR. KISSINGER: Since the Nuclear Non-Proliferation Treaty will soon be under discussion in the Senate, it would assist the Senate's Constitutional responsibilities to know the full history of the background of the negotiations which produced the text.

I would appreciate it if you could check the files of your agency and supply me with information on the composition of internal working groups and inter-agency committees in which your agency participated on Non-Proliferation Treaty questions. I am interested in the process of negotiating, and in the individual participants, both in the preliminaries in Washington, and in the work of the international conference teams abroad. I would particularly like to have this information with regard to the draft treaty of August 24, 1967; the draft treaty of January 18, 1968; the joint draft treaty of March 11, 1968; and the final draft of May 31, 1968.

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With kind personal regards.
Sincerely,

STROM THURMOND.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., February 17, 1969.

HON. GERARD C. SMITH,
Director, U.S. Arms Control & Disarmament Agency, Department of State,
Washington, D.C.

DEAR MR. SMITH: Since the Nuclear Non-Proliferation Treaty will soon be under discussion in the Senate, it would assist the Senate's Constitutional responsibilities to

know the full history of the background of the negotiations which produced the text.

I would appreciate it if you could check the files of your agency and supply me with information on the composition of internal working groups and inter-agency committees in which your agency participated on Non-Proliferation Treaty questions. I am interested in the process of negotiating and in the individual participants, both in the preliminaries in Washington, and in the work of the international conference teams abroad. I would particularly like to have this information with regard to the draft treaty of August 24, 1967; the draft treaty of January 18, 1968; the joint draft treaty of March 11, 1968; and the final draft of May 31, 1968.

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Because the treaty will reach the Senate in a matter of days, I would appreciate it if you could expedite the provision of this information.

With kind personal regards.

Sincerely,

STROM THURMOND.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., February 17, 1969.

HON. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: Since the Nuclear Non-Proliferation Treaty will soon be under discussion in the Senate, it would assist the Senate's Constitutional responsibilities to know the full history of the background of the negotiations which produced the text.

I would appreciate it if you could check the files of your agency and supply me with information on the composition of internal working groups and inter-agency committees in which your agency participated on Non-Proliferation Treaty questions. I am interested in the process of negotiating, and in the individual participants, both in the preliminaries in Washington, and in the work of the international conference teams abroad. I would particularly like to have this information with regard to the draft treaty of August 24, 1967; the draft treaty of January 18, 1968; the joint draft treaty of March 11, 1968; and the final draft of May 31, 1968.

In addition, I would like to know which departments of your agency and individuals who are presently assigned to responsibilities in regard to this treaty.

Because the treaty will reach the Senate in a matter of days, I would appreciate it if you could expedite the provision of this information.

With kind personal regards.
Sincerely,

STROM THURMOND.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., February 17, 1969.

HON. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Since the Nuclear Non-Proliferation Treaty will soon be under discussion in the Senate, it would assist the Senate's Constitutional responsibilities to know the full history of the background of the negotiations which produced the text.

I would appreciate it if you could check the files of your agency and supply me with information on the composition of internal working groups and inter-agency committees in which your agency participated on Non-Proliferation Treaty questions. I am interested in the process of negotiating, and in the individual participants, both in the preliminaries in Washington, and in the work of the international conference teams abroad.

February 17, 1969

CONGRESSIONAL RECORD — SENATE

Recent news dispatches state that the flood of January 1969, in southern California's worst flood since March 1938, with 88 deaths attributed to the rains and floods and 9,000 persons evacuated from their homes. Several counties have been declared "major disaster areas" by the President. When the residents return to their homes there is the cleanup job—the shoveling of silt from the rugs and floors of their homes; the drying out of over-stuffed furniture and walls which, at best, will smell musty for a long time. The contamination of water supplies frequently requires the inoculation of entire communities. This is especially upsetting to small children still suffering from the shock of the flood disaster. No monetary value has ever been placed on the elimination of the human suffering attendant upon flooding.

A few years ago recreation benefits were considered intangible and not subject to monetary evaluation, but the Bureau of Outdoor Recreation has developed an empirical formula for assigning a dollar value to the various types of recreation. We are convinced that if we can determine the value of a day's recreation, it is feasible and practical to develop a similar empirical formula for assigning a monetary value to the prevention of the human suffering resulting from flooding.

BANK EROSION

In computing benefits from erosion control measures, the Corps considers only the benefits at the site and completely neglects the value of the land lost, the adverse downstream effects and cost of subsequent removal, say, from a navigational channel, or the effect the accumulation of silt within a reservoir has on reducing the useful life of a reservoir. The Federal Water Pollution Control Administration has cited siltation as one of the major sources of pollution of our streams. The contribution that bank erosion control plays in achieving our national objective of clean waters should be fully evaluated. In many cases where the alternative to bank protection is a levee set back we find that continual erosion necessitates subsequent set backs. Although a single levee set back may appear to be the cheapest alternative, the costs of repeated set backs usually greatly exceed the costs of the more permanent solution afforded by the erosion control measures.

HYDROELECTRIC

We are now embarked on an all-out effort on air and water pollution abatement, yet no consideration is given to the fact that hydropower does not pollute either the air or the water.

With the new air quality standards being imposed in many sections of the country the cost of low sulphur coal, for instance, will increase from two to three dollars a ton over the cost of the present fuel being used. This represents a very substantial increase in operating costs. In addition, there are indications that the low sulphur coals are injurious to the boilers thus necessitating more frequent repairs and earlier replacement. These factors should be taken into account in the economic evaluation of proposed hydro-installations.

THERMAL POLLUTION

Releases of water stored in the lower portions of a reservoir can have an important benefit in reducing the effects of thermal pollution downstream. The reduction of thermal pollution in turn has a beneficial effect on the fish and wildlife resources in the reaches of the stream below the dam.

WATER SUPPLY BENEFITS

The present method of evaluating water supply and water quality control benefits does not take credit for all the primary benefits. The current procedure is to assume the benefits are equal to the cost of the least costly alternative method of supplying the needed water. With the previous discount

rate, in most cases the alternative is a single-purpose reservoir and the assumption is that such a single-purpose project always has a benefit-to-cost ratio of 1 to 1. This assumption has many basic omissions or shortcomings.

With the use of a higher interest rate the benefits increase and other alternatives could appear to have an advantage over the single-purpose water supply reservoir. For example, development of a series of wells, which could be installed in stages according to demand schedules, might well appear to have an economic advantage over the reservoir with a high initial capital investment because of the option available to defer expenditures. While this solution may be satisfactory for a small community, ever increasing areas of the country are finding that extensive withdrawals of ground waters which have accumulated over thousands of years are lowering the water table which necessitates continual deepening of the wells resulting in final exhaustion of the supply. Conversely, the development of a multiple-purpose reservoir stores destructive flood waters for subsequent release for the generation of power, low-flow augmentation for many purposes, including enhancement of fisheries and dilution of pollution and navigation, as well as specific reservation and withdrawals for water supply.

The hearings before the Subcommittee on Economy in Government of the Joint Economic Committee disclosed that the interest rates applied by agencies in discounting their proposed investment alternatives range from a minimum of 0% to a maximum of 20%. However, what was not made clear in those hearings was that except in the field of water and related land resource development, the studies were cost effectiveness studies used merely as a guide to determine which of several alternatives should be selected to accomplish a desired objective. Only in the field of water resource developments are benefit-to-cost analyses made to determine if the objective is to be met.

The determination to land on the moon and many other costly programs were not based on a benefit-to-cost analysis. The air and water pollution control programs were based on national objectives rather than on a benefit-to-cost analysis. Within these programs standards were set without regard to the status of the technology required to achieve them or the costs involved.

I do not deprecate the value of sound economics in the decision-making process, but to be effective it must be consistent with our national goals, and not be used to discriminate against a particular objective. I submit that if at the time of the Louisiana Purchase, the President's advisors had insisted on an economic evaluation of the purchase, with the future benefits reduced to their present worth at that time, using the opportunity cost of money as the discount rate, the purchase would never have been made. I am equally certain that there is no economist in the country today that would suggest that it was a bad investment.

One very basic limitation of the benefit-cost ratio is that it attempts to measure only national efficiency gains of a project, i.e., the contribution a proposed project makes to an increase in the income of the nation. Equally important, however, is the regional impact of a water resource project. It might be in the national interest to increase the pace of industrial development of rural areas plagued by underemployment. Although a water resource project might be instrumental in initiating such a change, the conventional benefit-cost ratio does not include the developmental benefits. For example, in addition to the primary benefits currently being evaluated, we should evaluate the potential of each project to create job opportunities, not only during construction, but also permanent jobs resulting from industrial de-

velopments made possible by the primary project benefits.

A major contribution to the solution of the problem in our inner cities is the creation of a climate—where open space is abundant—which will attract industry through low-cost transportation, economical power, flood-free locations, and abundant water supply and recreational opportunities. These project benefits will combine with natural resources, both human and material, to stem the tide of rural migration to the congested cities which has so greatly increased our welfare problems.

This is but one example to suggest that project planners should show how water resource projects help meet our social goals—including beautification, reduction of pollution problems, and better distribution of people.

We will do our part in Congress, but there is a real service that organizations such as the Mississippi Valley Association can and must perform. I have in mind an intensified public information program.

The Water Resources Council's recent National Water Assessment contains a wealth of information on our water needs for the year 2020. But, unless the grass roots of America awaken to the challenge of fulfilling those water needs, we may forever lose the use of some of the few good reservoir sites remaining.

As the first step in such an educational program, I visualize the dramatic relating of each timely news event on water resource development. For instance, when a flood control project has protected an area or reduced damage from heavy rains—tell it like it is, in the local papers, radio, or television. Or, if an authorized project, even a study under way, would have alleviated flood damage—tell it like it is. In periods of drought—tell what relief has been received from an existing project, or outline the relief to be expected from a potential project.

At times in recent years, when low flows in the Ohio River aggravated pollution problems, one-half of that flow came from releases of stored water in upstream reservoirs! Were such facts to be fully reported when the related event is news, public works projects would soon lose the stigma of Pork Barrel!

Similarly, the benefits from recreation are worth a good story on the big days—say, the Fourth of July and Labor Day. And, a good story is more than the mention of attendance and special events—it is the story of the business activity created by the use of the facility.

Annual stories of the payroll and other construction activities resulting from low-cost barge transportation tie in well with year-end financial summaries.

Working together, we can and must meet the water resource needs of this country in an orderly manner, rather than await the crisis and then embark on a costly crash program.

In the immediate future, you should prepare well documented testimony to present at regional hearings of the Water Resources Council so that the planners will have adequate tools for project formulation and evaluation to meet at least the needs of the foreseeable future. I would also hope you would join our effort in Congress to update, modernize, and make more realistic the factors which should today be cranked into our cost-benefit formula.

In summary, a high discount rate decreases the apparent desirability of projects where the benefits increase over the life of the project, as in the case of recreation. This characteristic is probably the most objectionable feature of the use of a high interest rate in the economic analysis of projects. A high proportion of early returns usually means a less than optimum size project. Future enlargements are always more costly, but more im-

February 17, 1969

S1583

I would particularly like to have this information with regard to the draft treaty of August 24, 1967; the draft treaty of January 18, 1968; the joint draft treaty of March 11, 1968; and the final draft of May 31, 1968.

In addition, I would like to know which departments of your agency and individuals who are presently assigned to responsibilities in regard to this treaty.

Because the treaty will reach the Senate in a matter of days, I would appreciate it if you could expedite the provision of this information.

With kind personal regards.

Sincerely,

STROM THURMOND.

JOHN DESOTO, JR., OUTSTANDING MOTORCYCLE RIDER

Mr. INOUE. Mr. President, surfers from around the world have flocked to the beaches of Makaha, Hawaii, to test their skill against the 30-foot waves that break along the reef. As you can imagine, Makaha has produced a company of outstanding surfers.

I am very happy to report today that Makaha is the home not only of many surfing enthusiasts but also of an outstanding motorcycle rider—John DeSoto, Jr. A 21-year-old from Makaha, John was named the 1968 U.S. Professional 250 MotoCross Champion after competing against some of the best motorcycle riders in the United States and Europe.

He is currently en route to Europe where he and his teammate will compete for the world championship. They will be the first American team ever to contest these difficult races.

I wish to join John's family and his many friends in congratulating him on his past success and in sending very best wishes for the challenges he faces in the world championship races.

SENATOR MURPHY TESTIFIES ON TWO CALIFORNIA DISASTERS

Mr. MURPHY. Mr. President, on Thursday, February 13, the House Committee on Public Works, which responded so timely to recent California disasters, was kind enough to permit me to testify before them.

I ask unanimous consent that my statement discussing the recent California floods and the Santa Barbara disaster be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR GEORGE MURPHY, REPUBLICAN OF CALIFORNIA, HOUSE PUBLIC WORKS COMMITTEE, TWO SUBCOMMITTEES MEETING IN CALIFORNIA, FEBRUARY 13, 1969

Mr. Chairman and members of the Committee, I want to thank you and the Committee for allowing me this opportunity to testify before you today. Your kindness and courtesies are deeply appreciated. Also, I want to thank you on behalf of the people of California for a timely response, as typified by your field hearings in our State, to the two recent tragedies that have struck California.

These two terrible disasters, one natural and the other man-made, which have brought so much personal suffering and inflicted so much damage, demonstrate our limited knowledge and our inadequate procedures for preventing and dealing with damaged resources when disaster hits.

The recent natural disaster resulted from nine days of rain, causing the worst floods in our State since 1938. It is estimated that the January flooding caused damages exceeding \$100 million and 88 persons are known to have lost their lives. Although we are unable to control the forces of nature, we must continue to press forward with our research in the various inter-related parts of our environment and their relationship to our weather and natural disasters.

There is a great deal of evidence to suggest that bills enacted and resultant actions taken in the area of flood control, erosion, and public works improvement in general have frequently prevented disasters and have helped to minimize the damage resulting therefrom. Senator Randolph, the distinguished chairman of the Senate Public Works Committee, early last week estimated that "flood control structures authorized by Congress and built by the Corps of Engineers prevented an excess of \$1¼ billion in damages to urban and suburban areas over the State of California." So, such programs of your Committee are surely a wise investment by the American people.

Congressmen Johnson, Clausen and Anderson and other members of the California delegation have introduced in the House of Representatives "The California Disaster Act of 1969." I have introduced a companion measure, S. 993, in the Senate. This bill provides assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, landslides, and high waters. I urge early passage of the "California Disaster Act" so that needed assistance may be given to California to help us repair the damages resulting from this great natural disaster.

As part of the Omnibus Rivers and Harbors Bill of 1966 an amendment authored by me authorized a study of landslides, soil erosion, surface and sub-surface drainage conditions, flood control, and seismic disturbances. The amendment directs the Corps of Engineers to work in cooperation with the United States Geological Survey of the Interior Department in conducting this study. The recent natural disaster again points out the urgency of the landslide problem in this area, and I urge the Committee to do everything possible to accelerate the completion of this study.

The story out of Santa Barbara has been front-page news for approximately two weeks. And well it should be. While the spewing of 230,000 gallons of oil on any area would be a tragedy, I am certain that you who have seen and, therefore, fallen in love with the picturesque and scenic coastal city of Santa Barbara and surrounding area will feel, as I do, a particularly deep sense of personal loss based on your affection for the area.

While all of the facts and evidence are not in yet, I would make the following recommendations:

First, as the Nixon Administration has ordered, all drilling should stop. The cessation of drilling at Santa Barbara should continue until we can make certain that disasters of this kind will not again occur in the future. It should be pointed out that Santa Barbara citizens have been proven right, much to their regret, in their reservations regarding the beginning of the drilling operations a year ago. I am pleased that President Nixon has announced that these "reservations" will be fully re-examined when the panel, headed by Dr. Lee DuBridge, the President's Science Advisor, undertakes its study which will include methods to prevent "sudden and massive" oil pollution in the future.

Secondly, I understand that this disaster would not have taken place under California state law and regulations. California, as the Committee knows, has jurisdiction only over leases within a three-mile limit off the

California coast. The oil problem at Santa Barbara, occurring beyond the three-mile limit, was under the jurisdiction of the federal government. Further, I understand the governing federal regulations are fifteen years old and have not been upgraded or subjected to a full-scale review during this long period. That this should be the case, despite the proliferation of offshore drilling activity, to me, is shocking. I am pleased that the DuBridge panel will review the inadequacies of existing regulations for all wells operating off the coast of the United States and will suggest regulations needed to prevent future disasters from occurring.

Also, because the Santa Barbara oil flow demonstrates that oil does not respect the federal three-mile boundary and because states have a vital interest to see to it that their beaches are not polluted, I recommend that oil leases under the jurisdiction of the federal government be made to comply with state regulations and be subject to state inspection where the state regulations are stricter than the federal standards.

Thirdly, the Santa Barbara incident has underscored once again the need to accelerate a research development and testing program to increase and improve our capabilities for preventing, controlling, and cleaning up of oil spills and other hazardous substances. I recommend an amendment to the research section of the Federal Water Pollution Control Act to authorize an additional \$5 million for the acceleration of research on marine pollution problems, such as that posed by oil spillages. This was one of the recommendations of the Commission on Marine Science, Engineering, and Resources, the Commission which earlier this year issued a report charting the future direction of the nation's ocean exploration efforts.

Fourth, I urge that contingency plans be developed at the local, state and regional levels to provide for a quick response to oil spills and similar disasters. I understand that no such plans presently exist today. This is a serious deficiency in our pollution control arsenal and should be remedied immediately. In my judgment, such contingent plans should be an integral part of the state and federal water pollution control programs.

Fifth, present water pollution control legislation dealing with the spillage of oil and other hazardous materials is clearly inadequate. Financial responsibility must be placed on the owners and operators of both ships and shore facilities. Present law limits liability to dischargers who are "grossly negligent or willful." I supported legislation which passed the Senate establishing the responsibility of the responsible party to either clean up or authorize the government to do it and later recover the costs from the party responsible. I urge congressional action on this legislation, similar to that introduced by Senator Muskie of Maine in the Senate and Congressman Teague of California in the House of Representatives.

Sixth, while clearly establishing the responsibility of polluters to bear the cost of clean up, we should also establish an insurance system to cover the costs growing out of oil spillages.

Mr. Chairman, there are more than 12,000 oil wells off the United States' coast and the number is growing by more than 1400 each year. The number of oil drilling platforms in the Gulf of Mexico, I understand, has become so great that the United States Coast Guard and the Army Corps of Engineers with the cooperation of industry have found it necessary to establish fairways for ship travel in and out of the Gulf ports.

The lessons of Santa Barbara are that we must stop, look, and make certain that all possible steps are taken to guarantee as much as possible that similar disasters will not result. Californians, because of the State's long

and magnificent coast and because of the water problems of the West, have always been keenly aware of the importance of water and the dangers of pollution. As Committee members probably know, I had the pleasure of serving on the Senate Public Works Committee, and more particularly, on the Subcommittee on Air and Water Pollution, up to this year. As a member of the Subcommittee on Air and Water Pollution, I have supported all the measures designed to accelerate our nation's battle against pollution.

I have frequently stated that pollution, both air and water, is one of the most serious domestic problems confronting our country. With the growing population and expanding technological society, we are told that even with stronger pollution control programs, pollution is likely to increase in the future.

The Commission on Marine Science, Engineering and Resources, to which I previously referred, in its report, "Our Nation and the Sea," noted the promises and potential of the oceans. In addition to calling for an accelerated ocean development program, the Commission rightly gave equal emphasis to an attack on water pollution problems. The natural disaster in the form of the floods and the man-made disaster at Santa Barbara drive home the significance of one of the summary statements of the Oceanographic Commission—"It is critical to protect man from the vicissitudes of the environment, and the environment, in turn, from the works of man." This is the challenge that we must meet. Thank you.

HUNGER IN AMERICA

Mr. McGOVERN. Mr. President, I invite the attention of Members of Congress to the first of a series of articles on hunger in the United States written by Mr. Homer Bigart, the noted journalist of the New York Times.

Mr. Bigart's first article appeared as a front-page story in yesterday's Sunday Times. It is a moving account, centering on hunger and malnutrition in parts of South Carolina.

The Senate Select Committee on Nutrition and Human Needs has for several weeks been looking into the extent, the nature, the cause, and the elimination of hunger in the United States. We have been assisted in that effort by the concern of the distinguished Junior Senator from South Carolina (Mr. HOLLINGS), who will testify before our committee on February 18, together with other authorities from South Carolina.

Mr. President, I ask unanimous consent that the article by Mr. Bigart be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNGER IN AMERICA: STARK DEPRIVATION HAUNTS A LAND OF PLENTY—I

BLUFFTON, S.C.—Hunger is a noun that means, among other things, a compelling desire for food, a nagging emptiness of stomach and gut. Persons old enough to remember the Great Depression may recall going hungry, but today it is a sensation generally reserved for those mired in poverty.

Chronic hunger seems so remote in this bounteous land that reports of extreme malnutrition among Negroes in the rural South, among migrant farm workers, among Mexican-Americans and reservation Indians have been set down as exaggerations and lies, the observers frequently assailed as charlatans or do-gooders who would sap the initiative of the hungry poor by expanding "giveaway"

Federal food programs or even conspiring for adoption of a guaranteed minimum wage.

Here in Beaufort County, Donald E. Gatch, an intense youthful-looking country doctor, has been shunned by the white community for insisting that hunger is a daily fact of life among the black families of this mossy tidewater.

He began losing his white patients two years ago after he charged publicly that he had seen children dying of starvation, that most black children of his area were infested with worms, and that families were living in hovels worse than the pigsties of his native Nebraska.

The Beaufort Gazette accused him of "running his mouth." Every other doctor in the county signed a statement deploring his "unsubstantiated allegations," contending that the "rare cases of infant malnutrition" that came to their attention were invariably due to "parental inexperience, indifference or gross neglect." And the County Health Officer, Dr. H. Parker Jones, said he had "never seen a case of starvation or extreme malnutrition."

Ostracized by the staff of Beaufort County Memorial Hospital, annoyed by threatening telephone calls, boycotted by white patients, Dr. Gatch closed his Beaufort office, sold his home and moved with his British-born wife and two young sons back to Bluffton (pop. 356), where he had started his practice 10 years ago.

One chilly, overcast day at the tag end of January Dr. Gatch consented to take a visitor on a tour of Negro shanties near Bluffton.

LIKE A MISSIONARY OUTPOST

The doctor, who sometimes appears disconsolate and withdrawn, peered glumly at the scene through horn-rimmed spectacles that kept sliding down his nose. From the clay road the weathered shanties, woodsmoke curling from the chimneys, looked quite charming. But Dr. Gatch, in his low tired voice, spoke only of the overcrowding, the filth and the smell of poverty within.

The Gatches had taken over a group of summer cottages on the bank of a tidal creek, living in one, using another for frequent guests (nutritionists and sociologists from all over are coming to see him) and hoping to convert a third into a clinic. (The doctor maintains a large, well-equipped office in the center of the village.)

The Gatch compound, shaded by live oaks decked in Spanish moss, had the quiet, mournful isolation of a missionary outpost in central Africa. The African connection was further strengthened when Dr. Gatch remarked that he had treated several children for kwashiorkor, a disease generally thought to exist only in underdeveloped countries.

Kwashiorkor is a Ghanaian word meaning literally "the disease that takes the child after it leaves the mother's breast." It is a disease of extreme protein deficiency, a starvation often brought on by a mother's inability to breast-feed an infant.

Down a dirt road Dr. Gatch paused at the decaying stoop of a family named Kinnard. Silent children with skinny legs sat listlessly on floors and beds. Fifteen people lived in the shack, Dr. Gatch said, and there was no privy.

COMFORTABLE WHILE STILL

He went directly to a young woman who was holding a crying seven-month-old baby girl. He had examined the baby before, he said, and had detected symptoms of both kwashiorkor and scurvy. He remarked how the baby's hair had thinned, how the hairline had receded about an inch, and how the hair color had changed from black to dirty gray. These were the stigmata of kwashiorkor, he said.

He took the infant girl from the mother's arms and placed her on a sofa. The baby kept her matchstick legs drawn up and raised her

arms until the tiny hands were bent close to her head. Then she stopped crying.

"As long as the baby is completely still, she's comfortable," Dr. Gatch said, "but pick her up and she'll start crying again."

He noted the extreme dryness of the skin, the absence of subcutaneous tissue. He said the baby's diet was so deficient in iron that her hemoglobin count was "half of what it should be."

The baby's mother had been out of work since December. Dr. Gatch said the infant was now getting some baby formula food. It would probably live, he said, but he feared it had suffered irreversible damage through growth retardation of bones and brain cells.

As he left, Dr. Gatch noticed a 3-year-old girl sitting on the stoop, staring vacantly at the brown fields. Her legs and face were bloated by edematous swellings, the result probably of Vitamin A deficiency, the physician said, and the same deficiency was impairing her vision.

"There's just no excuse for rickets in this country," complained Dr. Gatch as he drove to another shack, hunting this time a whole family that he claimed was rachitic, a mother and five children.

Rickets is a disease of infancy and childhood resulting from a deficiency of Vitamin D and characterized by soft, deformed bones. The rachitic family was not at home, but Dr. Gatch found them on the stoop of a neighboring house.

ALL HAVE MISSHAPEN LEGS

The victims had gotten some relief and were now on a proper diet, Dr. Gatch said. All had misshapen legs. The mother, who seemed stout and cheerful, was very bow-legged; her children were either bowlegged or knock-kneed. Dr. Gatch commented that the legs of the three older children seemed to have straightened somewhat, but the twisted spindly legs of the two youngest remained badly deformed.

Milk is the main source of Vitamin D. Dr. Gatch noted, and the family might never have been blighted with rickets if fortified milk had been available to them.

But the Government's food donation programs for the domestic poor did not provide fortified dry milk until the end of 1968. Dr. Gatch might have been angrier had he known that since 1965, at the insistence of the United States Public Health Service, the Department of Agriculture had been shipping dry milk enriched by Vitamins A and D to American aid programs overseas.

The three-year gap during which fortified milk was sent overseas while being denied to the poor at home came to light last month in testimony before the Senate Select Committee on Nutrition and Human Needs.

Dr. Gatch stopped at an abandoned country store. Inside, two bedridden old ladies had found terminal shelter. One of them, crippled by rheumatoid arthritis, had been rescued from a mouldering shack where the bedding stank of urine and feces. The other was afflicted by Wernicke Syndrome, which Dr. Gatch said was characterized by loss of memory and confabulation (filling in a memory gap by falsifications that the patient accepts as correct).

DIET OF RICE AND GRITS

Dr. Gatch said he believed Wernicke Syndrome could have been induced by lack of thiamine, which is essential for growth, normal function of the nervous system and normal metabolism. Thiamine is found in liver, lean meat, eggs, whole grain or enriched cereal and cereal products. The old ladies, Dr. Gatch suspected, had been eating little more than rice and grits.

Now they were on Medicare and presumably getting a better diet. The old store was spotlessly clean, neater than most nursing homes.



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Senate

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose we are and whom we serve, we commend our Nation to Thee and Thy servants in this place to the guidance of Thy higher wisdom. Come upon us with renewing power that as we work for others we may show our love for Thee. In our work make us diligent, in our travels give journeying mercies, in our pleasures spare us regrets, in our speech make us instruments of Thy truth, and in all we do may we advance Thy kingdom, that at the end we may be workmen who "needeth not to be ashamed."

Through Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 4, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of February 4, 1969, the Secretary of the Senate, on February 7, 1969, received the following message from the House of Representatives:

That, pursuant to section 8002 of the Internal Revenue Code of 1954, the chairman of the Committee on Ways and Means had appointed Mr. MILLS, Mr. Boggs, Mr. WATTS, Mr. BYRNES of Wisconsin, and Mr. UTT as members of the Joint Committee on Internal Revenue Taxation, on the part of the House.

The message also informed the Senate that, pursuant to section 712(a)(2) of the Defense Production Act of 1950 (title 50, appendix, United States Code, sec. 2162(a)(2)), the chairman of the Committee on Banking and Currency, had appointed Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. WIDNALL, and Mr. BROCK as members of the Joint Committee on Defense Production, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 1, Public Law 372, 84th Congress, as amended, the Speaker had appointed Mr. THOMPSON of New Jersey, Mr. MURPHY of New York, Mr. HALPERN, and Mr. FISH as members of the Franklin Delano Roosevelt Memorial Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 105(c), Public Law 624, 84th Congress, the Speaker had appointed Mr. STEED, Mr. COHELAN, and Mr. KYL as members of the Committee on the House Recording Studio.

The message further informed the Senate that, pursuant to the provisions of section 202(b), Public Law 90-259, the Speaker had appointed Mr. MILLER of California and Mr. PETTIS as members of the National Commission on Fire Prevention and Control, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 86-420, the Speaker had appointed Mr. NIX, chairman, Mr. WRIGHT, Mr. JOHNSON of California, Mr. GONZALEZ, Mr. DE LA GARZA, Mr. FRASER, Mr. SYMINGTON, Mr. SPRINGER, Mr. MORSE, Mr. HARVEY, Mr. WHALLEY, and Mr. BUSH as members of the U.S. delegation of the Mexico-United States Interparliamentary Group, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 401(a), Public Law 414, 82d Congress, the Speaker had appointed Mr. CELLER, Mr. FEIGHAN, Mr. RODINO, Mr. McCULLOCH, and Mr. CAHILL as members of the Joint Committee on Immigration and Nationality Policy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1002, Public Law 90-226, the Speaker had appointed Mr. Downey and Mr. HOGAN as members of the Commission on Revision of the Criminal Laws of the District of Columbia, on the part of the House.

The message announced that the House had passed a joint resolution (H.J. Res. 414) making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes, in which

it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 124. Concurrent resolution providing for an adjournment of the two Houses of Congress from Friday, February 7, 1969, to Monday, February 17, 1969; and

H. Con. Res. 133. Concurrent resolution commending the leadership of the Boy Scouts of America for their fine work and contribution to American youth.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of February 4, 1969, messages in writing from the President of the United States were received on February 5, 1969, by the Secretary of the Senate submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on February 5, 1969, see the end of Senate proceedings of today, February 7, 1969.)

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT CONCERNING THE TREATY ON NONPROLIFERATION OF NUCLEAR WEAPONS

Under authority of the order of the Senate of February 4, 1969, the Secretary of the Senate, on February 5, 1969, received the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Senate of the United States:

After receiving the advice of the National Security Council, I have decided that it will serve the national interest to proceed with the ratification of the Treaty on Non-Proliferation of Nuclear Weapons. Accordingly, I request that the Senate act promptly to consider the Treaty and give its advice and consent to ratification.

I have always supported the goal of halting the spread of nuclear weapons. I opposed ratification of the Treaty last fall in the immediate aftermath of the Soviet invasion of Czechoslovakia. My request at this time in no sense alters my condemnation of that Soviet action.

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February 7, 1969

I believe that ratification of the Treaty at this time would advance this Administration's policy of negotiation rather than confrontation with the USSR.

I believe that the Treaty can be an important step in our endeavor to curb the spread of nuclear weapons and that it advances the purposes of our Atoms for Peace program which I have supported since its inception during President Eisenhower's Administration.

In submitting this request I wish to endorse the commitment made by previous Administration that the United States will, when safeguards are applied under the Treaty, permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, exclusive of those activities with direct national security significance.

I also reiterate our willingness to join with all Treaty parties to take appropriate measures to insure that potential benefits from peaceful applications of nuclear explosions will be made available to non-nuclear-weapon parties to the Treaty.

Consonant with my purpose to "strengthen the structure of peace," therefore, I urge the Senate's prompt consideration and positive action on this Treaty.

RICHARD NIXON.

THE WHITE HOUSE, February 5, 1969.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 4, 1969, Mr. PROXMIER, from the Joint Economic Committee, on February 6, 1969, submitted a report entitled "Federal Reserve Discount Mechanism: System Proposals for Change" (Rept. No. 8), which was ordered to be printed.

EXECUTIVE REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 4, 1969, Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, reported favorably the following nominations:

James D. Hodgson, of California, to be Under Secretary of Labor;

Arnold R. Weber, of Illinois, to be an Assistant Secretary of Labor;

Elizabeth Duncan Koontz, of North Carolina, to be Director of the Women's Bureau, Department of Labor;

Lee A. DuBridge, of California, to be Director of the Office of Science and Technology; and

Willie J. Usery, Jr., of Georgia, to be an Assistant Secretary of Labor.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

A SUPPLEMENTAL APPROPRIATION

Mr. RUSSELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 414.

The PRESIDING OFFICER laid before the Senate, House Joint Resolution 414, making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes, which was read twice by its title.

Mr. RUSSELL. I ask unanimous consent that the Senate proceed to its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. RUSSELL. Mr. President, yesterday the House of Representatives passed this joint resolution, making a supplemental appropriation of \$36 million to the Bureau of Employment Security under the Department of Labor for unemployment compensation for Federal employees and ex-servicemen.

Under the program, claims of unemployed Federal employees and ex-servicemen are processed by the State unemployment insurance agencies on the same basis as claims of other unemployed workers whose employment is covered under the State unemployment compensation law. Federal funds are allocated to the States, which act as agents for the Federal Government in the payment of these benefits. The period of extended coverage varies from 22 to 39 weeks among the States. During the first half of fiscal year 1969, the average payment for Federal employees was \$44.20 each week for a period of 8.9 weeks, while the average for ex-servicemen was a weekly payment of \$44.60 for 5.1 weeks.

The Department of Labor submitted a budget request of \$99,800,000 for the 1969 program to the Bureau of the Budget, which in turn approved an estimate of only \$92,200,000, the amount of the 1969 appropriation.

Separations under each category have exceeded the original estimates; thus, the President's message of January 17, 1969, requesting supplemental appropriations for fiscal year 1969, included an additional \$36 million for the program.

The appropriation of funds for this program has become most urgent in that as of February 1, 1969, only \$4.4 million remained available. Expenditures for the month of January were \$13.8 million. The Department of Labor advises that States will not be able to make payments after the close of business today. Unless funds are provided at once, thousands of

persons—including servicemen returned from Vietnam for separation—will go to their local unemployment compensation offices next week to find their payments delayed until these additional funds are appropriated.

I am sure none of us wishes to see the servicemen returning from Vietnam for separation finding it impossible to draw these funds from their local unemployment compensation offices.

I now, by agreement reached with leaders of the Committee on Appropriations, request that this item be promptly passed as now embraced in House Joint Resolution 414.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HRUSKA. Mr. President, on behalf of the minority leader, I am pleased to say that the minority joins in the request for immediate consideration and favorable action. Several colleagues have received word from their States indicating the need for the appropriation—the most recent was received this morning. The junior Senator from Michigan informed me that unless this money is allowed, there will not be any further payments starting on Monday morning.

This obligation has already been contracted. The problem arises because of underestimating the amounts required.

The resolution has been here since the middle of January, and I join in the Senator's request for immediate consideration and favorable action.

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a telegram from the National Legislative Commission of the American Legion, which points out the grave condition that will exist if this joint resolution is not passed.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
February 6, 1969.

HON. RICHARD B. RUSSELL,
Chairman, Senate Committee on Appropriations, Old Senate Office Building, Washington, D.C.:

The American Legion is deeply concerned that many recently discharged veterans are denied unemployment compensation because UC funds are exhausted. We understand that \$19.8 million in supplemental funds for this purpose was requested by the President January 17 last. Failure of the Congress to provide this money prior to the upcoming recess will work a severe hardship on thousands of needy ex-servicemen across the country. We respectfully urge you to take prompt action to assist these jobless veterans during their readjustment to civilian life.

HERALD E. STRINGER,
Director, National Legislative Commission, the American Legion.

Mr. YOUNG of North Dakota. Mr. President, on many occasions the Congress has had to provide additional sums of money to take care of the needs for the unemployment compensation for Federal employees and ex-servicemen program. I do not believe there is any way a firm estimate can be submitted to Congress on amounts of money which will be nec-

preparing war, could be used in better ways so as to make the people of the United States and all over the world happier by taking the resources of Russia, the United States, and other countries and converting them into commodities to be used in trade.

Again, I would certainly advise that we try to trade with Russia, that we try to make available to Russia our know-how in agriculture and, in that way, it is my sincere belief that we could find some ways and means to get closer to the Russian people. This would prevent us from having to spend billions of dollars which could be utilized in this country to assist the needy.

Mr. JAVITS. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. I should like to say to the Senator that that is as refreshing a speech as I have ever heard the distinguished Senator make. As the Senator knows, we often agree and we often disagree. But the Senator's remarks sounded to me like the ALLEN ELLENDER of the Taft-Ellender bill, and I would like to congratulate the Senator.

Mr. ELLENDER. I thank the Senator very much.

TV STATEMENTS BY SENATOR BYRD OF WEST VIRGINIA ON POVERTY PROGRAM, TAX LAWS, AND MIDDLE EAST, FEBRUARY 5, 1969

Mr. BYRD of West Virginia. Mr. President, on February 5, 1969, I made statements for television regarding the Office of Economic Opportunity, tax laws, and the Middle East situation.

I ask unanimous consent that the transcript of these statements be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD as follows:

BYRD FOR PHASING OUT OEO

I think the Office of Economic Opportunity should be phased out this summer when its Congressional authority expires. I am not opposed to all of the programs that come under the OEO. In fact, I have had generally good reports from West Virginia concerning Project Head Start and the Neighborhood Youth Corps, but the Job Corps, Vista, and some of the Community Action Programs, have often come under heavy fire in West Virginia. In some areas—Washington, D.C., for example—these programs have been used to foment unrest among the poor, and the war on poverty has at times become a war against society. So the time has come to separate the good from the bad programs. The bad should be dropped, and the good programs should be transferred from OEO to other agencies where they will be more efficiently administered for the benefit of the poor—who all too often under the present set-up have received little or no real help from the millions of dollars spent.

BYRD URGES NEW LOOK AT TAX LAWS

It is disturbing to me that a few American citizens with very large incomes manage to escape paying personal income taxes. Recent testimony before a Congressional committee showed that 155 persons with adjusted gross incomes above \$200,000—21 of whom had incomes of more than one million dollars a year—paid no income taxes in 1967. This is not fair. I think that Congress must do something about it. The average

taxpayer in West Virginia pays his share while a few with big incomes throughout the country get away with paying nothing. I also think that Congress should take a new hard look at tax-exempt foundations, and such things as commercial properties and business enterprises that pay no taxes because they are owned by churches and charitable organizations. The tax laws should be equally applied to all businesses and to all citizens.

COOL THE ARMS RACE, BYRD SAYS

The events in the Middle East are a serious threat to world peace. There is urgent need for the United States and the Soviet Union, backed by Britain and France, to exert their influence, individually and through the United Nations and other channels, in getting the Arabs and Israelis to start talking with one another instead of shooting at one another. There can be no meaningful, lasting peace in the Middle East except by agreement between the Jews and the Arabs themselves. The United States and the Russians should take immediate action to cool the arms race that has been fostered in the Middle East by agreeing between themselves to de-escalate their part in the weapons buildup that has armed the opposing sides. Failure to do this may result in another war.

THE NUCLEAR NONPROLIFERATION TREATY—SURVIVAL OR DISASTER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to read a statement prepared by Senator Montoya.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MONTOYA, READ BY SENATOR BYRD OF WEST VIRGINIA

Mr. MONTOYA. Mr. President, advocates of the non-proliferation treaty believe it will stimulate further progress toward arms control and disarmament, an objective which they consider necessary for a lasting and secure peace. They point out the Article VI, which requires the parties to continue negotiations on additional disarmament measures, and hold that the treaty will not endure unless the nuclear powers take additional steps in the direction of disarmament and an improved international security system.

One of these steps, in this view, would probably be a limitation on growth of the nuclear weapons stockpiles of the existing nuclear powers (this has sometimes been called "vertical" proliferation as opposed to "horizontal" proliferation, which refers to the spread of nuclear weapons to additional nations). Many non-nuclear states have already declared that it is unfair to expect them to renounce ever acquiring nuclear weapons when no corresponding curb is placed on the existing nuclear powers, and to ask them to submit their peaceful activities to inspection when no inspection requirements are placed on the states known to be producing weapons. Accordingly, they have made it clear that they will expect the nuclear powers to reach agreement in a reasonable time on measures curtailing their nuclear power, such as a comprehensive nuclear test ban or a cutoff of the production of fissionable material for weapons purposes.

Another step considered by many as necessary to keep the non-nuclear nations as members of a non-proliferation treaty would be the development of a more reliable system to provide the non-nuclear nations security against nuclear attack by a nuclear power. Since non-nuclear nations would be asked to renounce the nuclear weapons which might deter a nuclear attack against them, some of these states have contended, the existing nuclear powers would be obligated to improve the world's present peacekeeping and security systems to make up for the

renounced nuclear weapons. The security assurances resolution passes by the Security Council in conjunction with the treaty is a first step. The devising of such measures, proponents contend, would be one step more toward the replacing of a security system based on deterrence and involving an upward spiral of armaments with a less dangerous system based on international peace-keeping machinery. Reducing international tension through such measures, this view holds, would make it easier to resolve underlying political problems.

Proponents of the non-proliferation treaty also believe that the peaceful nuclear technology of non-nuclear nations will benefit by the treaty. First, they contend that by foregoing attempts to manufacture costly nuclear weapons, non-nuclear states will be able to devote more of their resources to and concentrate their efforts on the development of peaceful uses of nuclear energy. Second, in addition to the specific provisions of the treaty to encourage international cooperation in the peaceful uses, they believe the treaty will create an atmosphere conducive to an expanded program for promoting peaceful technology because it will alleviate fear that exchange of information and material and technology might be used for weapons purposes.

In their view, the treaty must cover the manufacture of all nuclear explosives, even if intended for peaceful purposes, because any nuclear explosive can be used as a weapon. They believe that it is in the interest of nuclear powers such as the United States to make provisions to assure the non-nuclear-weapon signatories that they will have fair access to any potential benefits of nuclear explosions to compensate these nations for giving up the right to manufacture nuclear explosives themselves, and indeed they believe that without such provisions some non-nuclear nations would be unlikely to accept the treaty. Under Secretary Katzenbach said on April 26, 1968:

"... The peaceful application of nuclear explosives is still in a relatively experimental stage. Its technical and economic feasibility has not yet been fully demonstrated, its collateral effects are not completely known, and it is too early to judge whether it will achieve broad political acceptability.

Several things are clear, however. One is that even an optimistic assessment of its potential uses would not justify the enormous expenditure of time, money, and scientific and technical talent required to develop nuclear devices for this purpose alone.

A second inescapable fact—brought to light during the development of the draft treaty—was that a treaty against the proliferation of nuclear weapons would be unsatisfactory if it did not cover all nuclear explosives devices, including those intended for peaceful uses. This is because there is not now, and we cannot conceive that there ever will be, any type of peaceful nuclear device which would be incapable of being used for destructive purposes.

Faced with these facts, the treaty negotiators evolved what we believe is a fair, sensible, and workable approach to the problem of peaceful nuclear explosions. They coupled nuclear weapons with other nuclear explosive devices in the treaty's basic provisions. At the same time, recognizing both the economic absurdity of a country's developing nuclear explosives solely for peaceful purposes and the inequity of giving any commercial advantage to nuclear-weapon states, they inserted an article requiring all parties to cooperate in insuring that potential benefits be made available on a nondiscriminatory basis to non-nuclear-weapon parties.

The treaty makes clear that the charge for the explosive devices used will be as low as possible and exclude any charge for research and development. Services are made available through an appropriate international

safety, and housing. In relation to this "social" aspect, professional law enforcement planners and their elected officials will probably have to suffer the same type of initial shock which other planning efforts have undergone in reaction to citizen involvement and participation.

In an area as diverse and having as much effect upon people as law enforcement, local government will find considerable pressure to involve the citizen, particularly the poor who suffer more than any from inadequate law enforcement. Law enforcement planners will be increasingly called upon to find appropriate mechanism for listening to and involving the citizen in setting goals and determining priorities.

As counties, many for the first time, move toward large-scale law enforcement planning, it will be increasingly important to keep two factors in balance. First, the temptation for "action now" will most likely be overwhelming. Mounting public pressure, internal county organizational pressure, and the deadlines and demands of federal and state administrators could lead to minimal and superficial local planning efforts in order to achieve immediate results. Secondly, because the problem of law enforcement reform in all its dimensions is so diverse and complex, there will be the danger of bogging down in technique or reaching for planning goals which are neither politically nor economically feasible. Only careful and considered planning, involving all the law enforcement functions and all the jurisdictions, will result in sound criteria for action and a blueprint for much needed change.

THE ABM SYSTEM

Mr. ELLENDER. Mr. President, I read in the RECORD of last Tuesday that there was quite a debate on the question of the anti-ballistic-missile system that was authorized by the Congress last year. I regret I was not present to participate in the debate.

I am proud to say that in the Appropriations Committee, as well as on the floor of the Senate, I opposed and voted against the appropriation of funds to construct the ABM. The reasons advanced by the Department of Defense at that time for the construction of the ABM, as I understood them, were that we had to do something to protect ourselves against China. Of course, that was just a thin veil to get authority for the Department of Defense to proceed with this program.

But it developed later that the reason for the beginning construction was to be able to bargain better with Russia. In other words, if we gave the Pentagon authority to build an ABM, it would give the State Department a little leverage in our approach to discussions with Russia, not only on the ABM program, but on other matters in which both countries are vitally interested.

It was my privilege to spend 35 days in Russia last year. I am now in the process of preparing a report on my visit. I found much progress in Russia. I found that the people of Russia were very desirous of being friendly with us.

It is my belief that unless and until we can dispel the fear that now exists between us and Russia I doubt that we can come to any concrete conclusion on any of the great world problems that confront both the United States and the U.S.S.R.

Mr. President, during the last 20 years our country has spent in excess of \$130 billion in order to isolate Russia.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may proceed for 4 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, in addition to that, we spent billions of dollars in order to construct a ring of steel around the periphery of Russia. We started out with Japan, we went on to Okinawa, we went on to the Philippines, and on to North Africa, and, of course, Europe.

On my third visit to that vast country, I was asked, "Why do you build those airfields?" Of course, my answer was, "For defense." But you could not make the Russian people believe that by any means.

Mr. President, it strikes me that if we are to be in a position to deal with Russia, we should find some ways and means of bridging that vast chasm that exists between us, the fear that exists between us, and the suspicions. I can find no solace in saying that we will be able to do business with them if we continue to build up the forces that have resulted in so much fear among the Russian people in the past.

Mr. President, the reason, advanced by the Secretary of Defense as to the necessity for constructing the ABM system was that it would allow our diplomats to negotiate from a position of strength in order to deal with the Soviet Union. I have often argued and stated that I thought it was a mistake for us to permit the Department of State and the Defense Department to live so closely together. The military should be the servant of diplomacy, and not its master. Today it is difficult to tell who is leading whom. For the last 20 years it has seemed to me that the Pentagon's cart has been allowed to get in front of the diplomatic horse. In my humble judgment, if we continue such a process, I can see no hope for real international cooperation on the things that matter.

I notice from a statement by President Nixon that he proposes to visit our NATO allies next year.

I am very hopeful that he will make no effort to renew or to extend the NATO alliance.

What our country needs now are ways and means whereby we can get the people of Russia and the people of the United States to work closer together.

To me, it is farcical for us, in one instance to say that we want world peace and to deal with Russia, and then, in another instance say that we want to re-create the NATO alliance in order to protect Western Europe from Russia.

The fear that now exists in the minds of the Russian people is bound to be increased if we keep on doing things which intensify that fear.

I do not know anything that will tend in that direction more than if we continue to deal with and re-create the NATO alliance with which we have been

dealing and carrying the whole burden for the past 20 years.

We should learn from history that this has not worked.

The VICE PRESIDENT. The time of the Senator from Louisiana has expired.

Mr. ELLENDER. I ask unanimous consent to proceed for 2 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ELLENDER. Russia, in the meantime, has grown stronger than ever before. Every time we do anything further to widen the breach between our two countries, the longer it will take to get together.

It is my candid opinion, and my judgment, that our country should, by all means, find ways and means to deal with the Russian people. The more we do to widen the chasm which exists between us and Russia today, the longer it will take the two superpowers of the world to get together.

Russia appears to be our only real antagonist in the world today. It is a country which is capable of giving us trouble because of its huge population, its immense resources, and the military technical knowledge it possesses. If Russia takes means to protect itself against the United States, and we do the same thing, we should be able to avoid the areas of conflict so as to get together and reach agreement on the other issues of concern to us both.

Mr. President, it is my further belief that we will have a hard time making progress with Russia if we depend solely on dealing with the Russian leadership. What we need to do is to get the people of Russia and the people of the United States better acquainted with one another.

As I stated 10 years ago, in my reports on my visits to Russia, that can be accomplished if only we will engage in a realistic exchange program.

I am hopeful that this can be realized in the future. If we can have many Russians from all walks of life visit America, even if we have to follow them around with FBI agents, it would pay us to do it. I think what we should do is make the Russians envious of our way of life so that they will in turn get their leaders to let them live more as we do.

Now, Mr. President, I knew Mr. Khrushchev very well, and as I said on many occasions—and I was criticized for it—I do not know of a leader in Russia more anxious to respond to the will of the Russian people than Mr. Khrushchev.

Many things have happened in Russia between the visits that I made there in 1955, 1956, 1957, 1961, and 1968 which make me believe that all these changes did not come about because the leadership desired it but because the people demanded it. Trends toward more liberal ways of doing things have been established, and those trends cannot be reversed, no matter what the leadership desires.

What we should do is encourage those trends. I feel confident that if we can do that, there is no question that the relationship between us and Russia can be improved. Then all the billions of dollars being spent by us, as well as Russia, in

body with adequate representation of non-nuclear-weapon states. It does not, however, rule out bilateral arrangements for such services so long as there is no resulting discrimination. Thus it avoids premature decisions assuring non-nuclear-weapon states who are party to it that they will not be discriminated against if and when it proves technically and economically feasible.¹

A STEP TOWARD MORE EFFECTIVE CANCER TREATMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to read a statement prepared by Senator MONTAÑA.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF MRS. MONTAÑA, READ BY SENATOR BYRD OF WEST VIRGINIA

Mr. MONTAÑA. Mr. President, our age abounds in acts of technological outrage. Wherever we turn we can see the fruits of man's mind being put to work in warped ways to the further detriment of people. At times it takes the form of a military adaptation of a laboratory process. Other times it is an industrial or commercial misapplication of scientific research. But this is not always the case.

In my home state of New Mexico we have always been proud of the major research being done at the unique facilities located there. Much of America's front line of defense has had its genesis in my home state. There is a concentration of first class minds in New Mexico, many working on basic science, which other areas would do well to seek to match.

Many of these men and women are responsible for breakthroughs which can be the saving of life instead of its destruction. Louis Rosen of the Los Alamos Scientific Laboratory, has been working on such a contribution in the field of cancer treatment through radiation therapy.

The suffering and agony such a development can mean are immeasurable, and some of Mr. Rosen's results deserve mention. I include such an article, from the December 1968 issue of Nuclear Applications, for inclusion in the RECORD.

POSSIBILITIES AND ADVANTAGES OF USING NEGATIVE PIONS IN RADIOTHERAPY

(By Louis Rosen, Los Alamos Scientific Laboratory)

(NOTE.—Recent advances in accelerator technology make possible the attainment of very-high-intensity beams of protons at energies well above the pion-production threshold. It appears that both circular and linear machines will be useful for this purpose. The latter promise beams of ≥ 1 mA under well-controlled conditions. Such proton beams are adequate for providing pure high-intensity beams of negative pions for radiation therapy, under conditions of favorable geometry and of variable size and energy distribution. With π^- beams, it is feasible to deposit, at essentially any depth in the human organism, at least 100 rad/min of high-linear-energy transfer radiation. This is quite sufficient for radiation therapy on deep-seated tumors and is accomplished under more favorable conditions than attainable with other radiation sources.)

INTRODUCTION

Information from England, where reasonably good records are kept for the entire population, indicates that 40% of cancer cases are now treated primarily by radiation, 40% primarily by surgery, and the re-

mainder by chemotherapy.¹ Of the 80% of cases treated by radiation or surgery, combined treatment accounts for a substantial fraction. Therefore, even a small improvement in radiotherapy techniques would benefit a large number of patients.

A substantial proportion of radiotherapy treatments are apparently total or partial failures. Often this comes about because metastasis has already set in, but in some cases the radiation is inadequate for the purpose at hand. One seeks to overcome these latter difficulties by a better choice of radiation.

The effective treatment of malignancies by radiation involves using types and quantities of radiation adequate for lethal injury to all malignant cells with no more damage to healthy tissue than can be tolerated by the host organism. In practice, and with radiation sources now in use, the radiotherapist must strike a delicate balance between destruction to healthy and tumorous cells, and frequently the dose delivered to the tumorous cells is limited by the viability of healthy tissue following irradiation.

The ideal mode of tumor treatment would be one that destroys all the malignant cells, without in any way affecting surrounding tissue or healthy tissue in the tumor volume. This cannot be achieved, even when radioactive substances can be implanted within the tumor. However, this ideal situation could be best approached if one were to use negative pions as the radiation source. This was initially shown by Fowler² in an analysis in which he compared negative pions to electrons, gamma rays, x rays, protons, and heavier ions. More recently, I have made calculations for K^- and antiprotons. Although these latter have some of the virtues of π^- , they are not superior in cancer therapy. In fact, they are not quite as effective because the energy deposition of their reaction products is less localized.

As of this moment, it is not feasible to use π^- beams in cancer therapy. To do so would require the beams from all pion-producing accelerators in the world, focused on a single patient, and even then the irradiation time would be excessive (months to years). However, some of the high-flux proton accelerators now being designed,³ referred to as "meson factories," will permit radiation therapy with negative pions and in reasonable times.

THE PHYSICS OF CANCER TREATMENT BY RADIATION⁴⁻⁶

All ionizing radiation affects mammalian cells through ion pair production and excitation of atoms and molecules. On the average, ~ 30 eV is dissipated per ion pair. Since the ionization potential for atomic constituents of cells is ~ 13 eV, this leaves ~ 20 eV to be dissipated by exciting atoms and molecules to bound states and by heat generation. Most of this 20 eV produces atomic excitation followed by dissociation, fluorescence, or energy transfer. However, in complex molecules, such as are abundantly found in tissue, a substantial fraction of the excitations will appear as kinetic energy of the atoms in the molecules.

The specific ionization produced by radiation depends on the type and energy of the radiation. Gamma rays produce ~ 10 ion pairs per micron along their path, while alpha particles, near the end of their range, produce ~ 500 times as many. There lies the difference between low- and high-linear-energy transfer (LET) radiations. This difference manifests itself in many ways and has profound effects on the response of cells to radiation.

Some quantitative understanding of the effects of ionizing radiation on cell survival has been obtained from analysis of a great variety of experiments. Typical results of

such experiments are shown in Fig. 1 (Fig. 1 not printed in RECORD), which displays cell survival probabilities as a function of radiation dose for human kidney cells. A change in curve shape is apparent and the sigmoid curves at low LET are indicative of cell death due to accumulated sublethal injury that is subject to early repair while the exponential curves at high LET are indicative of cell death due to single irreversible events.^{7,8} Cell survival depends in the following way on the kind and quantity of radiation:^{7,9}

$$S = \exp\left(-\frac{D\sigma_1}{1.6L}\right)\left\{1 - \left[1 - \exp\left(-\frac{D\sigma_2}{1.6L}\right)\right]^n\right\},$$

where

S = survival probability for a uniformly irradiated cell population

D = dose in rads; σ_1 and σ_2 = inactivation cross sections in μ^2

L = linear energy transfer in MeVcm²/g; $n \approx 6$.

The σ 's are cell inactivation cross sections.⁸ It appears that σ_1 increases more rapidly than does σ_2 , as a function of LET.

The relative biological effectiveness (RBE) of a given type of radiation, defined as the ratio of the dose of 200-keV x rays to produce a given biological effect to the dose of the type of radiation under consideration for producing the same effect, is known to be much greater for high-LET than for low-LET radiation. This is specifically true for cell survival following radiation, but is also true for many other cell processes.

The objective of radiation therapy is to injure all tumorous cells, in a given volume, to such an extent that not one of them will be able to initiate regrowth of the tumor. At the same time, one must minimize damage to the reproductive capacity of surrounding tissue.

However, in the best of circumstances, the reproductive capacity of tumorous cells is never more sensitive to radiation than that of dividing healthy cells. Often the tumor contains anoxic regions and these are, in fact, less sensitive to low-LET radiation by perhaps a factor of 3 than are normal cells. A measure of this effect is the oxygen enhancement ratio (OER), defined as the ratio of the dose required to produce a given effect (e.g., 50% survival) in anoxic cells to that in oxygenated cells. Experiments indicate that it varies from ~ 3 for lightly ionizing radiation to 1 for multiply-charged ions.

Figure 2 (not printed in RECORD) shows that the oxygen effect is significant. Also from Fig. 2, it can be seen that the OER is ~ 3 in a pair of mouse-tumor survival curves, one fully oxygenated and the other anoxic.

Figure 3 (not printed in RECORD) indicates that high LET can remove the sensitivity difference between oxygenated and anoxic cells. This constitutes one very important advantage of this highly ionizing radiation: the injury is not subject to modification by oxygen or recovery.

One school of thought holds that for low-LET radiation, most of the cell deaths result from chemical reactions of peroxides on long

⁸ They are empirically determined parameters that relate to the average probability for a lethal encounter of a quantum (or particle) with a cell when a specific cell population is subjected to a given type of radiation. There are two σ 's because of the assumption, implicit in the above equation, that the effect of radiation containing a spectrum of LET can be reduced to that of two idealized radiations—one of high LET and one of low LET.

Radiations of constant LET, if such were achievable, would be represented by a single σ , the magnitude of which would be the probability for a lethal encounter when one quantum (or particle) per cm² impinges on a target comprising one cell per cm².

¹ Department of State Bulletin, May 20, 1968, p. 648-9.

Footnotes at end of article.

chain molecules in the cell nucleus. In anoxic cells, peroxides are less readily produced by radiolysis, and this may account for lesser sensitivity. Cells irradiated with highly ionizing particles are killed mainly by direct interaction of these particles with long chain molecules, depolymerizing these molecules. High-LET radiation therefore interacts with anoxic and oxygenated cells in approximately the same way. However, it should be emphasized that the high effectiveness with which densely ionizing radiation damages the reproductive capacity of cells is not well understood.^{9, 10-14}

In radiation therapy, one usually relies on dose fractionation (subdivision). Total doses with x-rays comprise ~5000 rad delivered in ~20 doses during a four-week interval. Dose fractionation is effective because recovery of healthy tissue, between irradiations, takes place at a faster pace than does recovery of tumorous tissue. Experience indicates that, in general, surviving healthy tissue responds better to altered conditions than do tumorous cells and repopulates faster.

The race between repopulation of normal tissue and of tumorous cells favors the normal cells because many tumorous cells die as a result of poor nutrition, but it also favors the tumors because they usually contain anoxic cells which are more resistant to radiation.

For dose fractionation to succeed, it is essential to increase the total dose at appropriate intervals and in precisely the right amounts so that the repopulation of normal cells can overtake the repopulation of tumorous cells. Success or failure therefore depends on the leeway one has as a result of the differences in radiation sensitivity and in healing characteristics of tumorous and normal cells.

CHARACTERISTICS OF NEGATIVE PIONS

The potential therapeutic properties of negative pions have been long recognized.¹⁵⁻¹⁷ These therapeutic properties result from the unique characteristics of negative pions and their interactions with atomic nuclei.

Pions have positive, negative, or zero charge. The charged pion with which we shall be concerned is an unstable particle of mass ~140 MeV. It has zero spin, an isotopic spin of unity, and a mean life of $\sim 2 \times 10^{-8}$ sec. If uncaptured, it will decay into a muon and a mu neutrino. The muon in turn decays into an electron, a mu neutrino, and an electron neutrino. The range-energy relation¹⁸ for negative pions is shown in Fig. 4 (not printed in Record). It is apparent that for purposes of therapy, pions must have energies of 25 to 200 MeV. Now, pions of this energy have a long mean-free-path for nuclear collisions. The uncharged member of the species lives a very short time ($\sim 10^{-16}$ sec mean life) and decays into two gamma rays. The positively charged member almost always comes to rest without undergoing nuclear interaction and then decays. The negatively charged pion also comes to rest before interacting. However, it is captured in an outer orbit of a heavy atom (e.g., an oxygen atom, assuming the slowing down medium is water), replacing an electron in that atom. In a time of $< 10^{-16}$ sec, the pion cascades down from one orbit to the next, causing the emission of low-energy x rays, and finally comes to rest in the lowest orbit of the capturing atom. In this orbit, the wave function of the pion overlaps that of the nucleus, and the negative pion is captured by the nucleus.¹⁹

REACTION PRODUCTS FROM THE CAPTURE OF NEGATIVE PIONS BY OXYGEN

Oxygen accounts for the major fraction of the mass of atoms contained in tissue and is responsible for the capture of most negative pions coming to rest in tissue. A small fraction of the negative pions is captured by carbon and nitrogen, but the resulting energy deposition is not much different from that for oxygen. We will, therefore, confined our attention to ^{16}O . Upon capture of a π^- by ^{16}O ,

the mass of the pion is converted into energy with the consequent violent disruption of the ^{16}O nucleus. From this nucleus emerge neutrons, protons, alpha particles, ^7Li , ^8Be , ^9B , and ^{12}C ions. The neutrons, although they carry off a sizable fraction of the total kinetic energy, account for a relatively small portion of the energy deposition in the vicinity of pion capture. The charged particles, on the other hand, create ionization all along their trajectories. Furthermore, since the ^{16}O nucleus is equivalent to multiple alpha particles, the dominant mode of decay involves the emission of one or more alpha particles among the reaction products, and these are almost always of short range, as is the case for the heavier ions. Figure 5 (not printed in Record) shows the disintegration of a ^{16}O nucleus following capture of a negative pion. The oxygen was contained in nuclear emulsion. A complete accounting of the energy deposition along the path of a negative pion beam as it traverses and comes to rest in water is shown in Fig. 6 (not printed in Record). Approximately 30 MeV of energy is deposited in the immediate vicinity, within a few millimeters, of the capturing nucleus. Most of this energy produces high specific ionization (high LET), and it is this ionization on which one relies for destroying the cancer cells. Figure 7 (not printed in Record) shows the distribution of specific ionization resulting at the point where negative pions of 96-MeV energy are stopped in water.

Although a significant amount of energy is deposited by neutrons, one should recognize that this is neutron therapy at its best, from the standpoint of depth-dose distribution. The depth-dose distribution is now more favorable than for neutrons from an external source. The neutrons can be imagined to focus on the tumor site from all directions while the elastic and inelastic interactions occur at high energy, where the therapeutic effects of neutrons are at their best.

To recapitulate, absorption of a π^- in issue involves new phenomena that have no counterpart with more conventional types of radiation. At the end of its path, a π^- is captured by a nucleus of O, C, or N. Of the total rest mass of the pion, ~40 MeV is expended in overcoming the binding energy of the nucleus, 70 MeV is carried off by neutrons, and ~30 MeV appears in the form of protons, alpha particles, and heavier ions. The particles of $Z \geq 1$ are mainly of short range and high-ionization density and produce local high-level energy deposition in the immediate vicinity of capture. By appropriately adjusting the energy of the pions, this intense high-LET, high-RBE local radiation can be deposited within the tumor region with minimal effect on surrounding tissue.

TABLE I.—ENERGY PARTITION FOR π^- CAPTURE IN WATER²

	MeV.
Average binding energy.....	40.0
Kinetic energy:	
$Z=2$	4.5 \pm 0.5
$Z=1$	8.0 \pm 0.4
Neutrons.....	16.5 \pm 0.6
Total.....	70.0 \pm 0.5
Mass of π^- 139.6 mev.	139.0 \pm 5.1

Table I shows the energy inventory resulting from a beam of negative pions that comes to the end of its range in water.

or a tumor situated ~10 to 15 cm from the surface, a π^- beam that uniformly irradiates the tumor may be expected to deposit about three times as much energy per unit path length in the tumor as along its path leading to the tumor. For conventional x radiation and also for irradiations with fast neutrons, the entrance dose will exceed the tumor dose by a factor of ~2. In addition, the energy along the path of the pion beam is delivered at low dE/dx , while the dose de-

posited in the tumor is at high dE/dx due to the heavy ion component of the star. This makes the RBE for pions better than x rays by a factor of ~3. Furthermore, the tumor-to-entrance dose ratio is a function of depth of tumor, becoming more favorable for pions than for x rays or neutrons the greater this depth.

One should not overestimate the value of a high tumor-to-entrance dose ratio. However, it should be kept in mind that there are side effects of radiation and some of them may be quite subtle. For example, effectiveness of radiation may be enhanced by the immune-defense mechanism of the body. One must, therefore, try to avoid adverse effect on the immune-defense mechanism. It is reasonable to suppose that one is more likely to retain natural immunity if one minimizes the total radiation exposure.²¹

There are also late effects of radiation. Sublethal cell injury can apparently result in uncontrolled proliferation of cells (e.g., cancer, leukemia) and life-shortening in general.²²

A second major implication for cancer therapy of the high-LET distribution achievable with negative pions at the tumor site concerns the oxygen effect, as previously indicated. The OER decreases from 3 for x rays to 1 for heavy ions. For π^- (and also for neutrons²³), this effect appears to be ~1.5.²⁴ The effect for neutrons is somewhat substantiated by experiment, whereas the effect for π^- is calculated.

COMPARISON OF VARIOUS TYPES OF RADIATION FOR THE TREATMENT OF CANCER

It is not easy to make a meaningful comparison of the efficacy of various types of radiation. The figure of merit varies with the type of tumor, its depth, and the characteristics of the surrounding tissue. It is taken to be the ratio of damage done to cells in the tumor region to damage done outside this region. In Fig. 8 (not printed in Record), it is assumed that the figure of merit includes the oxygen-enhancement ratio, which is estimated to be 1.0 for heavy ions, 1.5 for π^- , and 3.0 for electromagnetic radiation. The definition of figure of merit is, of course, open to some argument. However, all other things being equal, one should certainly try to minimize the body burden and the side effects associated therewith.

Figure 9 (not printed in Record) illustrates the depth-dose distribution of various kinds of charged particles. In calculating REM, the values used for RBE correspond to a degree of injury that destroys cellular reproductive capacity. Although the calculations on which these curves are based necessarily contain approximations, the trends shown are certainly meaningful.

PROSPECTS FOR INTENSE PION BEAMS

What are the prospects that pion beams will one day be adequate for therapeutic purposes? The designs of accelerators for such purposes have been discussed previously.³

TABLE II.—COMPARISON OF PROPOSED MESON FACTORIES

	H-cyclotron, TRIUMF ¹	Ring cyclotron, Zurich	Linear accelerator, LASL
Energy (MeV).....	200-500	510	100-800
Average current (ma.).....	0.1	0.08	1
Beam extraction (percent).....	100	90	100
Beam emittance (milliradian cm.).....	0.2		
Cost of facility (millions of dollars).....	27	21	55
Funding situation.....	(?)	(?)	(?)
Completion date.....	(?)	(?)	(?)

¹ Tri-University Meson Facility, Vancouver.

² Partially funded.

³ Funded.

⁴ 1973-74.

⁵ 1972.

Footnotes at end of article.

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Edwin Huddleson, Jr., Partner, Cooley, Crowley, Gaither, Godward, Castro and Huddleson.

James N. Hyde, Lawyer, Consultant to Rockefeller Brothers Fund.

Joseph D. Keenan, International Secretary, International Brotherhood of Electrical Workers.

Henry A. Kissinger,* Professor of Government, Center for International Affairs, Harvard University.

Robert Kleiman, Editorial Board of the New York Times.

Philip M. Klutznick, Senior Partner, Urban Investment and Development Company.

Col. Laurence J. Legere, Institute for Defense Analyses.

John J. McCloy, Milbank, Tweed, Hadley & McCloy.

James S. McDonnell, Chairman of the Board, McDonnell-Douglas Corporation.

G. William Miller, President, Textron, Incorporated.

Emanuel R. Piore, Vice President and Chief Scientist, International Business Machines Corporation.

Thomas C. Schelling, Professor of Economics, Center for International Affairs, Harvard University.

Gen. Cortland V. R. Schuyler, Commissioner of General Services, Executive Department, State of New York.

Marshall D. Shulman, Director, Russian Institute, Columbia University.

Joseph E. Slater, President, Salk Institute for Biological Studies.

Mrs. Robert J. Stuart, Formerly, President, League of Women Voters of the U.S.A.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NONPROLIFERATION TREATY

Mr. THURMOND. Mr. President, I am astounded at the weakness many have shown recently in the face of growing Soviet strength and provocative actions in Europe, Mediterranean, Indian Ocean, Red Sea, and other areas. Apparently, there are those who still ignore history. America's strength has been the only significant deterrent to the Soviets the last 20 years. It has been the policy of this country for many more years to negotiate from strength. To sound the trumpets of the past, there are those who would negotiate from fear and forget the catastrophes of history when the balance of power favors the adversary.

Mr. President, I ask my colleagues and my countrymen, are we going to be trapped again as we have the last few years? Are we going to risk the security of our great Nation on the word of the Soviets? My distinguished colleagues, I hope and pray your answer is "No." If you approve the Nonproliferation Treaty

and engage in arms control talks now and do not continue the ABM program, you are playing right into the hands of the KremMn. That will give the Communists their long sought advantage at the negotiating table.

In my view, the Soviets have given no concrete evidence of genuine good faith. Last August, their invasion of Czechoslovakia crushed what little faith some may have had. It is too early to talk about negotiations. Disapprove the treaty, start the approved Sentinel system, regain our superiority in weapons systems, and then talk arms control. In any arms talk in the near future, the first Soviet demand will be for the United States to defer our nuclear missile programs while they continue to accelerate their program. If the Soviets are hurting from an economic squeeze because of the billions they are spending for starting the arms race, then why ease their pain at the expense of our security. Although expensive, our Nation can bear the costs longer than the Soviets when our security and way of life are the stakes. It is high time our allies—such as Great Britain, France, West Germany, Japan, and others—carry a much bigger share of the costs and the armed forces. For instance, our \$79 billion for defense is almost three times as much as all our allies together.

Mr. President, one of our most highly respected and reliable publications in the United States has briefly and succinctly analyzed our failures, the threat, the risks of arms control talks, and the needs and costs of defense in two exceptionally fine articles. These articles appeared in the February 3, 1969, issue of the U.S. News & World Report. They are entitled, "The Chances for an End to the Arms Race" and "The Price of Power for United States."

I would like to quote from this magazine article on our defense needs in order to leave no doubt about what is "sufficiency":

The list of needed weapons includes a modernized nuclear Navy, new planes for the Air Force, new weapons for ground warfare, modern multiple-headed atomic missiles, a start on an antimissile-missile system, investment to try to catch up with Russia in the use of space for military purposes.

Although my analysis reveals the Soviets have a much greater nuclear weapons threat than the articles reflect, I commend these articles to you as excellent summaries of the pitfalls that lie ahead by being lulled into false security by the Soviets. It is time to have the courage and the determination to move ahead with defense programs that guarantee our security and not rely on the Soviet's promise without deeds for peace. For once, let the Soviets make the first move toward peace. Let them ratify the Non-Proliferation Treaty rather than wait for the U.S. ratification before they show signs of genuine good faith. Let them stop some of their nuclear programs and cease their ever increasing aggressive actions.

Mr. President, I request unanimous consent that these articles be printed in the Record at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From U.S. News & World Report, Feb. 3, 1969]

THE PRICE OF POWER FOR UNITED STATES: ONE-SIDED ARMS BURDEN

It is a staggering defense load that Richard Nixon has inherited—with no relief in sight. Communists aren't about to give up their global ambitions, and U.S. allies aren't about to offer more help.

Mr. Nixon is to discover quickly that the price of power in today's world comes very high and is not likely to decline.

At this time, two superpowers hold the key to world stability. The No. 1 power is the United States. The No. 2 power is Soviet Russia. Russia is expansionist in its goals. The U.S. seeks to avoid an upset in the present power balance.

The new President has indicated that he will seek to persuade the major non-Communist nations of the world to give the U.S. more help in maintaining today's balance of power. All present signs are that these nations, content to have the U.S. guarantee their security, will give little response.

To maintain its power and place in the world, this country is spending 79 billion dollars annually on defense. This expenditure represents 92 cents out of every \$10 spent for all purposes, public and private. In dollar totals and in proportion of total spending, the American effort far exceeds that of any major ally. The charts on these pages help make that clear.

WHERE THE MONEY GOES

Of the 79 billion dollars earmarked for defense, 28 billion dollars in the year to end next June 30 and 25 billion in the following year are accounted for by the war in Vietnam.

However, if the war gradually deescalates, or even ends, the savings in defense costs are expected to be modest—no more than half the war's cost. A defense budget approaching 70 billion dollars a year, or even in excess of that, is expected to continue.

The reason? Huge investments lie ahead in modern arms, in new installations, in defense systems that are regarded as essential if the U.S. is not to lose its position as protector of the non-Communist world.

CAUGHT IN A BIND

The cost of arms is spiraling. Nevertheless, military planners insist the costs will have to be met. Needed defense investment, they report, has been neglected for years past as war in Vietnam diverted the U.S. military establishment and drained off much of its arms stockpile.

Military services today are ready with a shopping list for arms that totals in excess of 100 billion dollars. This is at a time when American cities are standing in line with a trillion-dollar shopping list of their own and vast programs of welfare and river-basin development and pollution control are waiting to be carried out.

The list of needed weapons includes a modernized nuclear Navy, new planes for the Air Force, new weapons for ground warfare, modern multiple-headed atomic missiles, a start on an antimissile-missile system, investment to try to catch up with Russia in the use of space for military purposes.

It is when a President faces up to the mammoth demands of military and of domestic programs for money that his thoughts turn to two sources of help:

1. One line of exploration is in the field of agreement to limit arms expansion, even to consider a start on disarmament. Experience of the past does not promise much progress or early progress in this field.

2. The second exploration is directed at getting other major nations—Great Britain, France, West Germany, Japan, among others—to take on more of the burden of defense. First soundings in this area have not proved encouraging. It is cheaper for allies to depend on the U.S. and its taxpayers. Yet American officials are finding that if the balance of power in the world is to be main-

*Dr. Kissinger served as a member of the Panel until his selection by the President-Elect as his Special Assistant for National Security Affairs. He did not participate in the drafting of the final report.

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tained, large and modern military forces are essential.

IN THE MIDDLE EAST

Soviet Russia even now has deeply penetrated the Mideast with a show of power that keeps growing. The Soviet Navy in the Mediterranean is approaching the U.S. Sixth Fleet in size. Russian military aid and thousands of "advisers" are to be found in Egypt, Algeria, Yemen, Sudan and the Somali Republic. This area is vital to Western Europe, which gets its oil from this region. However, Western Europe is unwilling to take on any responsibility. President de Gaulle of France, in fact, appears determined to stir up trouble rather than help with peace.

INDIAN OCEAN AND INDIA

The vast region east of Suez is becoming a vacuum as the British pull out. Russia already has two naval task forces in the area, is seeking to turn the Red Sea into its own "lake," using it as a base to influence Saudi Arabia. The Soviets are building naval bases for the Somali Republic on the Gulf of Aden and the Indian Ocean. To the east is the biggest plum of all: India. The U.S., its naval forces already spread thin, is not moving in. The warning is that the entire area could go by default unless the U.S. starts moving.

On January 21, Adm. Thomas H. Moorer, Chief of Naval Operations, told Congress that Soviet movements in the Indian Ocean and the Mediterranean are a threat to American naval supremacy. He added: "I expect it to increase in the years ahead."

As an example of the Navy's needs, Admiral Moorer disclosed that 58 per cent of the Navy's 900 ships are more than 20 years old. He said work will have to begin now on an expensive building program if this country is to have a modern Navy superior to Russia's in the coming decade.

IN SOUTHEAST ASIA

Even if war in Vietnam were to end tomorrow, U.S. would find its hands full. The historic American policy of maintaining a balance of power in Asia faces an unprecedented challenge from Red China, only starting to come into its own as a nuclear power. Long-term threats to Laos, Cambodia, Thailand and Burma are growing, with free-world countries still unable to mount anything approaching united resistance. No help can be expected from the European allies—or from Japan—in that part of the world. With its own forward outposts in the Philippines, Okinawa and Japan all endangered by political opposition in those places, U.S. is going to have to develop mobile, far-ranging forces—or a set of expensive new bases—if it is to keep Red China in check.

One instance of the kind of cost involved: The U.S. found it necessary to spend 500 million dollars to build six new air bases in Thailand.

STANDING ALONE

The foregoing is just part of the global problem. Joint defense of Western Europe presents a whole set of other expenses. So does maintaining a nuclear balance with the Soviet Union. In all corners of the globe it is mainly U.S. power that keeps Communist expansion in rein.

Here at home, with domestic problems pressing in, with taxes rising, the question is heard time and again: Why won't others of the big free-world nations do more?

The answer: Those nations insist they are doing enough. Staff members of "U.S. News & World Report" in four major capitals—London, Paris, Bonn and Tokyo—cabled the details.

From London: Britain, battling for solvency, is convinced it can pay no more for defense than at present.

The trend, in fact, is for reduction of British forces—including withdrawal of troops from Asia by 1971.

The bulk of the British budget is spent on social services, including education, free

medical care and subsidized housing for the poor. Britain spends three times as much on social welfare as it spends on defense.

It is unlikely that Britain would raise more money for defense even if the U.S. threatened to cut back its forces throughout the world. The prevailing opinion in London is that such a withdrawal would only spur America's allies to do the same thing.

The British, clearly, are quite content to rely on the U.S. to preserve the military security of the West.

From Paris: Under President de Gaulle, France has sought independence of the U.S. through its own nuclear strike force.

But economic and social problems are placing the program in jeopardy. Military spending has been cut to the bone and represents 4.34 percent of the gross national product—about half as much as the U.S. proportion.

The result is a strike force far behind schedule and becoming less credible all the time. France's Army and Navy are short of arms and technicians. Since 1952 manpower in the services is down 40 percent. Only 1 of every 100 Frenchmen is in the armed forces. In the U.S. the proportion is 1 of every 57.

Government officials in Paris feel the U.S. can safely reduce its forces in Western Europe. They see no threat from Russia. However, they want the U.S. to maintain two divisions in Germany for the foreseeable future.

Gaullists agree that Europeans should do more for their own defense, but feel this is a "long-term problem of European unity." Meanwhile, they are counting on America to maintain the present balance of power with the Soviets.

From Bonn: West Germany is not at all impressed when it is suggested that the country is not spending enough on defense because the figure amounts to only 3.8 percent of total outlays. Bonn points out that it maintains the largest European force in the North Atlantic Treaty Organization, second only to that of the U.S.

This year's military budget totals 4.7 billion dollars. The Germans argue they cannot afford more because of massive and still-growing social-welfare programs. This part of the federal budget amounts to over 6 billion dollars—but that is only the beginning. The total welfare bill, including local spending, actually amounts to 24 billion dollars. By 1972 the figure will exceed 31 billion.

And if the U.S. pulled out of Europe? The Germans probably would do no more. Likely to prevail would be this kind of argument: "If the Americans don't think the defense of Europe that important any more, why should we?"

As to American military spending in Europe, the official German line is—as it always has been—that the U.S. is not so much defending the Allies as it is taking care of its own national security—so why shouldn't Washington keep on defending and paying?

From Tokyo: Defense is a controversial subject in Japan. Militarism has been an anathema since the nation's defeat in World War II. That is one reason. Another: The Japanese do not feel imperiled from any quarter.

Japan spends a minuscule .9 percent of its total outlays on defense. The tendency has been to concentrate national energies on economic development while downgrading defense.

Still, the alliance with the U.S., under whose umbrella Japan has been able to make its startling postwar recovery, is taken for granted by most Japanese as more profitable to America than to Japan.

A recent poll shows that only one third of the Japanese believe the mutual-security treaty with the U.S. has been beneficial, and

70 percent want the treaty either revised or abrogated.

Japanese leaders feel differently, but find it both politically and economically profitable to go slowly on defense expenditures. To some, large military expenditures by Japan are considered a foolish extravagance so long as the U.S. willingly bears the burden.

All around the globe, the story is much the same.

It is against such a background that a new Administration in Washington is being forced to weigh the price of power in today's world.

THE CHANCES FOR AN END TO THE ARMS RACE

Disarmament talks are getting closer—but the warning is out: Don't expect much progress unless there is a real change of heart in the Kremlin.

At the center of Russia's latest bid to start disarmament talks with the U.S. are three major factors:

1. Without wasting a moment, the Kremlin wants to test the Nixon Administration—to gauge what kind of men and attitudes Russia must deal with over the next four years.

2. Soviet leaders, moreover, face a worsening economic squeeze at home and need a respite from the costly arms race far more than the U.S. does.

3. Significantly, Russia has virtually overtaken the U.S. in nuclear long-range missiles and seeks to get the U.S. to "freeze" further developments now.

The Soviet offer was made January 20—the day Richard Nixon was sworn in as President. Moscow announced it was ready to "start a serious exchange of views" on arms controls.

The U.S. replied the next day, saying the matter would be given priority.

The outlook for progress is far from rosy, despite the polite exchange. Realists in Washington predict it will be months before serious talks even get under way—and perhaps years before anything concrete is achieved.

There is plenty to be negotiated, once both sides get down to business. One goal would be to find a way to halt the build-up of ICBM's—intercontinental ballistic missiles—on both sides.

As matters stand, each country has enough nuclear power in just that one field of weapons to kill 90 million citizens of the other country.

Another prime topic is antimissile-missile systems, now starting to require expenditures of billions of dollars in both countries. Some authorities say the Soviets now realize such a system is of doubtful value and astronomically costly.

Other proposals likely to appear on any serious agenda:

Ending underground nuclear tests.

A reduction in nuclear-weapon stockpiles.

Prohibition against the placement of nuclear weapons on the ocean floor.

Cuts in U.S. and Russian troop strength outside the two countries.

A ban on chemical and bacteriological-weapon development.

Underlying reason for pessimism is basic: The U.S. does not trust Russia, and Russia does not trust the U.S.

WORDS OF CAUTION

President Nixon is already being cautioned by advisers—both in the State Department and in the Pentagon—of pitfalls that lie ahead.

The first potential trap: Merely by proposing talks, the Russians will attempt to induce Mr. Nixon to defer the deployment of MIRV's—new multiple warheads—for American missiles. That would give them an immediate major advantage by getting the Americans to stand still while the Soviet Union continued its nuclear-missile build-up at full speed.

Another drawback to the talks for the U.S. is that there is no foolproof way in sight to

assure Washington that the Russians would keep their word and not build up arms secretly.

Moscow refuses to allow on-ground inspection of weapon sites in the Soviet Union and other Communist-bloc countries. Both the U.S. and Russia employ orbiting "spy satellites" to photograph each other's missile installations, but this method has its limitations—failing to show, for instance, whether a missile has one or many nuclear warheads.

This limitation works far harder against the U.S. than against Russia because there are many open sources of information about American weapons, including technical magazines, available to Moscow. Russian sources of this kind simply do not exist. Without adequate safeguards, many Americans fear, the U.S. might fall far behind the Russians if the Kremlin broke its word and proceeded with weapon development.

THREAT TO NATO?

Some American military officers also fear the talks might delay or halt a build-up in the strength of the North Atlantic Treaty Organization. Revitalizing the Alliance—a policy favored by President Nixon—is considered especially urgent as a result of the Russian invasion of Czechoslovakia.

All these matters, the Nixon Administration feels, must be carefully considered before the talks begin. Secretary of Defense Melvin Laird, who says the U.S. must negotiate "from a position of strength," has said privately the review may take more than six months.

The talks originally were scheduled to begin last September at a summit meeting between President Johnson and Russia's Premier Kosygin. But the U.S. refused to proceed after the Russians invaded Czechoslovakia.

Washington maintained the atmosphere was wrong for discussion after such a display of Russian aggression.

Now, however, with the shock of the invasion wearing off and a new Administration in power, the Russians apparently view the climate as better.

A key question Mr. Nixon will have to decide: Is any feasible agreement with the Russians to limit the nuclear-arms race worthwhile for America?

The price for America could be high. Experts say the U.S. would be forfeiting its over-all leadership in nuclear know-how and an opportunity to take advantage of its lead in the development of multiple warheads.

A workable agreement, on the other hand, would pledge the Russians to abandon plans to build their ICBM strength to about 2,000—double the number presently planned by the U.S.

U.S. officials wonder if the Russians are willing to pay any price—no matter how small—in return for American concessions. Diplomats say there is no sign the Kremlin is ready to match the sacrifice it is certain to demand of the U.S.

Nevertheless, it is known that the pressures are mounting fast on the Russian leaders to reduce the heavy economic burdens of the arms race.

Moscow spends billions each year supplying arms to North Vietnam, the Arabs, and Cuba. The cost of space exploits and building a huge new naval fleet is also enormous—and all the while Russian consumers are complaining they want more spent on them, not on bombs.

Demands by the people are increasing for many things—from more cars to fashionable clothes—which can't be produced now because of Russia's military budget.

Some Americans believe, therefore, that Russia truly means business.

GOOD SIGNS

One U.S. view was voiced by former Secretary of Defense Clark Clifford, who said in the days before he left office that domestic and foreign pressures on Soviet decision-

makers "make us reasonably confident that their expressed interest in strategic arms talks is genuine."

But the new Administration is taking a cautious attitude. Past experience in dealing with Russia has left deep scars.

S. 992—INTRODUCTION OF BILL RELATING TO AMENDMENT OF THE DRAFT LAW

Mr. JAVITS. Mr. President, the question of reform of our draft laws—"Who serves when not all serve?"—is still very much with us.

I am today introducing a bill to amend the Military Selective Service Act of 1967. It incorporates my conclusions after months of the most intensive study of the problems which exist under our current law. I ask unanimous consent that the bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record at the conclusion of the Senator's remarks.

Mr. JAVITS. Mr. President, there is hardly any Federal law on the books which so immediately and drastically affects the Nation as does the Selective Service law. In times such as these, the draft law involves literally a question of life or death for thousands of our young men. Whatever our party, whatever our views on the war in Vietnam, it is clearly our responsibility to insure that the law pursuant to which our young men are called upon to risk their lives for their country is as fair and equitable as the product of our legislative skill and effort can make it. We also bear the responsibility to insure that the Selective Service law, and the systems set up under it, operate efficiently so that our armed services can be insured of the availability of suitable manpower when the need arises.

It has been apparent for some time that the current Selective Service law and the manner in which the Selective Service System now operates are neither as fair nor as efficient as they should be. Moreover, the failure of the Congress to make the necessary reforms when the Selective Service law was last before us, in 1967, coupled with the failure of the last administration to utilize its authority to reverse the order of call, even without using a lottery, now threatens irreparable damage to our universities and grave problems to the armed services. The present system of drafting the oldest first, together with the abolition of all graduate student deferments, has resulted in a situation in which commencing in the next few months, the great majority of draftees will probably be graduate students. Obviously this will have a tremendous impact on universities throughout the country. It will also have a significant impact on the armed services, since up to now the average age of draftees has been about 19½. The Department of Defense has consistently maintained that the needs of the armed services are far better served by younger draftees, who generally are more amenable to training and have fewer dependents.

The bill I am introducing today would deal with this problem as well as the numerous other problems which have arisen under Selective Service laws. In summary, my bill would do the following:

First. It would reverse the present order of call, establishing the 19-year-old age group as the prime selection group.

Second. Those over the age of 20, and those deferred as students on the date of the new law would be phased into the prime selection group over a 3-year period. During the first year after the effective date of the act those who were over 24 years old would be included; during the second year those who were between the ages of 22 and 24 on the effective date would be included; during the third year those who were between the ages of 20 and 22 on the effective date would be included; and treated as constructive 19-year-olds. Any registrant deferred while 19 and whose deferment ended thereafter would be included in the prime selection group during the year after his deferment ended.

Third. It would authorize the use of a lottery to select persons from the prime selection group. The particular type of lottery, and whether it would operate on a national rather than a regional basis, would be left to the President.

Fourth. It would permit, but not require, as present law does, student deferments in peacetime. Students would include not only students at 4-year colleges, as under present law, but students or trainees in junior colleges, community colleges, technical colleges, vocational schools and apprenticeship training programs as well.

Fifth. Graduate student, occupational and hardship deferments would continue to be permitted, but the President would be required, whenever he determines there is a substantial probability that persons inducted into the armed services will be engaged in armed conflict or Congress has declared war, to terminate or restrict all student and occupational deferments, except those absolutely necessary to the maintenance of a successful military effort.

Sixth. Student and occupational deferments would be granted on a uniform basis throughout the Nation.

Seventh. The Selective Service System would be reorganized and simplified through the establishment of area and regional boards along the lines called for in the Marshall Commission's report. The system would be directed to utilize automatic data processing techniques, to the extent possible, to speed up its present tortoise-like pace of handling cases.

Eighth. The amendment of 1967 which overruled the Supreme Court's Seeger decision by restricting the availability of conscientious objector status only to those who pacifism is based on conventional religious training or belief would be repealed. Genuine pacifists, though agnostics or atheists, whose beliefs involved "duties superior to those arising from any human relation" would be accorded conscientious objector status once again.

Ninth. Draft board procedures would be reformed by repealing the 1967 amendments which eliminated the Justice Department's role in reviewing con-

scientious objector cases, required the Justice Department to proceed with prosecutions or appeals requested by the Director of Selective Service or to notify Congress in writing of reasons for not doing so, and required the Federal courts to give precedence to Selective Service cases over all other cases, allowing registrants to have counsel represent them in draft board proceedings, with counsel provided for indigent registrants, as in criminal cases, and requiring each draft board to provide every registrant with information concerning the draft law.

Tenth. Complete studies would be made of, first, the feasibility and desirability of a volunteer army; second, military youth opportunity schools to habilitate those presently unable to qualify for service; and third, a national service corps, and the desirability of authorizing service in such a corps as an alternative to military service.

Eleventh. The 1967 amendment precluding judicial review of classification decisions except as a defense to a criminal proceeding, which requires persons wishing judicial review to assert their claim at the risk of being convicted as a draft-dodger if unsuccessful, would be changed to permit judicial review of questions of law. The right of persons who comply with induction orders, rather than risk criminal conviction, to obtain review by utilization of habeas corpus proceedings would also be made explicit.

Twelfth. Draft delinquency would be limited to unlawful acts relating to a registrant's status, thus ending the practice of using the draft as punishment for protest activities.

I believe that each of the changes I have enumerated above are essential if we are really to reform our Selective Service laws. The changes are obviously far-reaching and require an explanation:

Reversal of the present order of call and use of a special transition system for graduate students: In his 1967 message on draft reform, President Johnson announced that he intended to change the present order of call under which men are ordered for induction on the basis of "oldest first," from age 26 down, to an order of call in which 19-year-olds would be considered the prime selection group and a lottery would be used to select the particular individuals to be inducted from among those in the prime selection group. These changes were in accordance with the recommendations of the Marshall Commission Report on the Selective Service System and have also been suggested by numerous other critics of the present draft system. Although there has been some division of opinion concerning the use of a lottery, opinion concerning the desirability of drafting 19-year-olds first has been virtually unanimous.

The 1967 amendments to the Selective Service law did not change the power of the President to establish 19-year-olds as the prime selection group. But they did require continued use of the present "oldest first" method of selection within any designated prime selection group, thus forbidding use of a lot-

tery. Apparently because of his inability to use a lottery, the President refused to designate 19-year-olds as the prime selection group.

I believe this decision was most regrettable. As I noted above, continuance of the practice of drafting from age 26 down coupled with the abolition of graduate student deferments poses a severe threat to universities throughout the Nation and may have grave implications for the Armed Forces, for it is entirely possible that in the next several months the vast majority of draftees will be graduate students. In this connection, it is one of the more remarkable commentaries on the present operation of the Selective Service System that they have been unable to inform my office, despite repeated inquiries which have been made by my staff, of even the approximate number of graduate students who will be drafted in the coming months or what the effect on the graduate schools will be. We have, however, been able to gain some indication of the magnitude of the problem from other sources. We know, for example, from a study recently prepared by the Scientific Manpower Commission that well over 40 percent of all U.S. science students in graduate schools are potentially liable to induction in the next few months.

Mr. President, as I indicate below, I believe that when there is a likelihood, as there is now, that draftees will participate in armed combat, then all student deferments should be restricted to the minimum necessary to sustain armed military effort. If that were done the impact of the draft on students generally would be diluted. Under the present system, however, the impact of the draft will bear very heavily on graduate students. This is not necessary, and is certainly undesirable either from the standpoint of graduate education or from the standpoint of the needs of the Armed Forces, which find themselves faced with the prospect of having to process men whose average age is probably close to 24 instead of 19, the average age of inductees for the last few years.

The solution is, I believe, to utilize a special transition provision for incorporating older men—graduate students will usually be found among this group—into the prime selection group along with 19-year-olds over a 3-year period. Under my bill during the first year men over the age of 24 on the effective date of the act, during the second year men between 22 and 24 on the effective date of the act and in the third year men between the ages of 20 and 22 on the effective date of the act would be placed in the prime selection group along with 19-year-olds. With this system there would be no possibility of a graduate student completely avoiding exposure to the draft, yet the impact on graduate schools would be significantly ameliorated. Furthermore, there would be much less of an increase in the average age of draftees going into the armed services.

I would like to point out also that these changes are, for the most part, within the President's power to make under existing law. I therefore believe they should be instituted by our new President as soon as possible.

The lottery: Much of the discussion concerning reform of the draft in recent years has centered on the adoption of a lottery system to select those who are to be inducted into the armed services. Usually, calls for the use of the lottery have been coupled with recommendations for reversals in the order of call. As I have previously explained, I believe that the order of call can be reversed with or without use of the lottery system. Presently, the President has no power to order the use of the lottery system because of the amendments to the Selective Service law enacted by Congress in June 1967. Since I do not believe that there is anything inherently unworkable or unfair in the use of a lottery, my bill would provide the President with the power to order its use. I must, however, confess to certain skepticism concerning the desirability of a lottery over the present system.

In the last analysis, what we ask of the system of selection is that it be fair as well as efficient. It is true that under a lottery system, selection would be completely "random" and would not actually take place until the draftee had become a member of the prime selection group. But as a practical matter dates of birth are also "random" and the mere fact that a person's date of birth is established before he actually becomes a member of the prime selection group does not operate to make an "oldest first" system of selection from within a prime selection group any less fair than a lottery. Moreover, an "oldest first" system has certain advantages. It is much easier to administer and leads to much greater certainty as to who will probably be drafted and who will not.

To elaborate this a little further, most proposals for a lottery have suggested that the lottery be conducted each month by scrambling the birthdays within the month to establish a certain order. Induction orders would then be issued to those persons who are born on the dates in order of their selection until the month's quota has been reached. I do not understand why such a system is inherently any fairer than one which merely proceeds, each month, to induct persons in the order in which they were born in that month, based on their birthday.

Thus, while I do not oppose a lottery, in principle, I see no reason to require its use by legislation. For that reason, my bill merely authorizes the President to order the use of a lottery and does not require him to do so. In that respect I note that my bill is different from the comprehensive bill introduced last year by the senior Senator from Massachusetts (Mr. KENNEDY).

Student and occupational deferments: The question of whether there should be student and occupational deferments from the draft is a troublesome one. Even the Marshall Commission was divided on this point, with the majority favoring practically complete abolition of student deferments with the minority recommending their continuance. I personally plead second to none in the value which I place on higher education. While this leads me to the conclusion that student deferments should

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carte blanche in the field of discrimination in employment.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Federally Forced Discrimination," published in the Richmond News Leader of January 31, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FEDERALLY FORCED DISCRIMINATION

Today's tidbit guaranteed to boil your blood has to do with integration and labor. Two weeks ago, a three-man Federal panel handed down a decision dealing with hiring practices at the Allen-Bradley Company of Milwaukee, a manufacturer of electronic components and motor controls. The panel found no evidence that the company had "overtly discriminated." But there was a hooker: The panel declared Allen-Bradley to be in violation of the equal opportunity clause in Federal contracts because of "failure to take affirmative action to broaden the recruitment base and increase the flow of minority applicants." The effect of the panel's decision—if the decision stands—will be to prevent employers from defending their hiring practices simply by arguing that few minority workers are employed because few apply for jobs.

Allen-Bradley has about 6,500 employees. Heretofore, it usually has filled jobs through employee recommendations. Prior to the formal hearings on charges of discrimination in hiring, Allen-Bradley revised its employment standards by relaxing requirements of Wisconsin residency and a high school diploma, and by saying that persons who have passed vocational school general education development tests will be eligible for employment, and contacted the Urban League for any possible job-seekers. But the panel said all that is not satisfactory because the company still does not have enough minority employees—whatever the panel means by enough.

According to *Business Week*, the panel said that Allen-Bradley ought "to make a 'clear public announcement' that it has discontinued its reliance on referrals by employees; that it place recruitment ads in general media which reach substantial numbers of Negroes and others, and that it also place ads in 'primarily Negro media,' and that [the company] should utilize 'schools serving substantial numbers of Negroes.'" And if the company does not? Well, then the Labor Department will order Federal procurement agencies to cancel purchase contracts with Allen-Bradley—contracts that amount to about \$30 million for the company each year. In fact, some Federal contracts have been canceled already.

What folly this is. The Federal government obviously does not care about what these edicts may do to Allen-Bradley itself. Through the years Allen-Bradley has had one of the highest wage scales in the industry. Its policy of employee referrals has meant that the company has been able to save money on employee recruitment—money that was spent instead on product quality and employee benefits. Until the militant integrationists took out after the company, Allen-Bradley had remarkably high employee loyalty, reflected in its remarkably low rate of employee turnover. Spokesmen for the company say that even now all that has begun to change.

Allen-Bradley has filed exceptions to the panel findings with the Office of Contract Compliance in Washington. But the way things are going these days, chances are that Allen-Bradley will lose its appeal. If so, this company that does not discriminate, will be forced to start discriminating by hiring workers simply for the color of their skin. Either Allen-Bradley will have to do that or face the prospect of having its revenue cut to the

point where it will no longer be able to hire anyone at all.

PRESIDENT AL-BAKR, OF IRAQ—A RECKLESS BARBARIAN

Mr. RIBICOFF. Mr. President, recent events in Iraq threw much of the world into a state of shock.

Our reaction to the mass execution which was turned into a public spectacle indicates how little we know about President Al-Bakr, of Iraq, and his well proven capacity for barbaric acts.

On January 30, the Manchester Guardian published an article that recounts many appalling episodes in the career of this Iraqi leader.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BARBARIC DAY IN IRAQ

Monday's executions in Iraq were barbaric. President Al-Bakr is admittedly the most vicious of all the Arab rulers. But on Monday morning he surpassed even his own villainous record. The people, according to Bagdad Radio, were urged officially to attend the public hanging of nine Jews and five others in Bagdad and Basra. Half a million Iraqis turned up to make it "an eternal day in the life of Iraq and the Arab nation." It was an eternal day that the Arab nation ought to remember with shame.

President Al-Bakr is a ruthless man. In July, a fortnight after seizing power, he dismissed the two men who had made his coup possible—his Prime Minister Abdel Razzak and his Defence Minister Abdel Rahman Daoud. In October the President arrested eighty officers. In November his foreign affairs adviser Nasir Al-Hani was found dead in a canal "after a tragic accident." In December a former Prime Minister, Abdel Rahman Bazzaz, was arrested as a spy. Since then the secret trials have continued, resulting inevitably in this week's executions.

This medieval spectacle can only do harm to the prospects of a Middle Eastern settlement. There is an obvious danger that the Israelis, outraged by the executions of Jews, may feel moved to vengeance. Iraqi troops are stationed in Jordan close at hand. The temptation to strike back must be great, as President Al-Bakr probably anticipated.

He must have known, anyway, that what he was about to do would be far more provocative than the Arab commandos' inept attack on an Israeli air liner. President Al-Bakr put Jews to death and boasted of what he had done. The Israelis' reply to the commando raid was to destroy Arab aircraft at Beirut but to avoid harming any person. The risk now is that their vengeance will be equally efficient, but fiercer. That is the price of having a reckless barbarian governing Iraq.

REMARKS OF SENATOR BARRY GOLDWATER ON THE NUCLEAR NONPROLIFERATION TREATY

Mr. THURMOND. Mr. President, one of the most critical issues which the Senate must face this session is the question of the ratification of the Nuclear Non-proliferation Treaty.

I opposed this treaty when it was first brought to the attention of the Senate last summer because I distrusted the intentions of the Soviets to fulfill their international agreement and because the fulfillment of the treaty's goals depends too much upon trust rather than upon

effective safeguards. Furthermore, I did not believe that the effect of the treaty upon our relations with our allies had been thoroughly explored.

Shortly thereafter, the Soviets once again demonstrated through the invasion of Czechoslovakia that they have not lost their will to dominate the world. The crucial point in the Soviet invasion was not simply that they demonstrated the logistic capability for such an operation, but, more important, the fact that it demonstrated their will to interfere with the internal affairs of a sovereign nation. The simple withdrawal of part of those troops cannot erase the fact that the Soviets actually took such an action. We should focus on the Soviets' capability for decision instead of just upon the Soviets' logistical capability. I believe that many more aspects of this treaty will be explored by the Senate in the weeks and months ahead, and that many Senators will want to analyze this treaty in great detail.

I was pleased to see that some are already undertaking such an investigation. Among these is the able Senator from Arizona (Mr. GOLDWATER) who has returned among us to resume his distinguished career in the Senate. On January 14, Senator GOLDWATER spoke at a luncheon meeting of the West Point Society of the District of Columbia, held at Fort Myer. In his remarks, he went into the question of the Nuclear Non-proliferation Treaty at great length, and he came to the following conclusion:

I presume by this time you understand that I am unalterably opposed to Senate ratification of the nuclear Non-Proliferation Treaty at this time.

Senator GOLDWATER pointed out that the treaty is meaningless because two present nuclear powers, France and China, will have nothing to do with it. In addition, many other nations who are on the brink of developing nuclear weapons do not wish to sign either. He also pointed to the effect which this treaty might have upon foreign affairs generally. He indicated that the Soviet Union has continued to actively and aggressively promote worldwide tensions, despite the signing of the Test Ban Treaty. He cited Vietnam, the Middle East, the Mediterranean, and Czechoslovakia. None of these trouble spots would have occurred if our partner in the Test Ban Treaty had not actively supplied the necessary equipment and direction.

Mr. President, I quote another statement made by the distinguished Senator from Arizona:

There is reason to believe that ratification of this Treaty at this time would in effect place the U.S. stamp of approval on an aggressive and militant move made by Russia to stamp out human freedom.

Senator GOLDWATER made many other striking points in his speech, which I strongly recommend to the attention of every Senator.

Mr. President, I ask unanimous consent that the address by Senator BARRY GOLDWATER at the luncheon meeting of the West Point Society of the District of Columbia, on January 14, be printed in the RECORD.

more than the value of goods purchased. Identifications of questionable persons may be made by checking your telephone book or city directory. Know your endorser. Signature or endorsements should be made in your presence, even if the check has to be re-signed or re-endorsed.

Questionable charitable organizations

Beware of unscrupulous promoters who solicit you by telephone, mail, or in person, requesting that you contribute toward a charity or benefit sponsored by some obscure organization. Do not respond with money to telephone solicitations. Ask the party who telephones you for a reputable local reference and satisfy yourself of the merit of the proposal before committing yourself. If solicitation is made in person, ask for an identification card. Otherwise, check with the Police Department.

Don't make these mistakes

Many overcoats and hats are stolen from restaurants. Watch yours. Don't leave money or other valuables in pockets.

Small articles should not be carelessly allowed to remain on the sidewalk, lawn or porch, or other places easily accessible to the general public. Children are tempted to take such articles when the opportunity presents itself. Lock bicycles and put away at night. Don't tempt anyone.

Never leave valuable clothing, furs or rugs on the line to be aired when you are going out. Clothes left out overnight are also frequently stolen.

When you are having parties or entertaining guests, do not leave pocketbooks, coats or other valuables lying in the bedroom or other downstairs rooms unless you are positive that the windows are securely locked and that no intruders can gain unobserved entrance into the room.

Don't invite burglars by leaving your watch or rings where they may be seen from a window after washing your hands or dishes.

Keep a list of your valuables

Make a record of the number, monograms, initials and jewelers' scratch marks on your valuables. Have an accurate description so that if stolen, there will be a better chance to identify and recover them. Also, keep records of the numbers on automobiles, firearms, watches, bicycles, and electric motors of all kinds on washers, fans, sweepers, etc. A record of your stocks, bonds, and travelers checks should be kept in a place other than with them. Do not tell people if you have a "wall" or other type of home safe.

You and your automobile

Lock your car and remove ignition key when parking to prevent auto thefts. Stolen cars are used in most major crimes today. Prevent theft of packages by locking them in the trunk. When putting the car away, lock the car, remove the keys and then lock the garage doors.

Motorists should frequently check on their spare tires, license plates, and other accessories and see to it that they are securely fastened. Memorize your car registration number to expedite recovery if stolen.

Motor vehicle laws are made to prevent loss of life, limb or property. Highways are unsafe if the public fails to co-operate. Every officer has co-operation in law observance as his objective. He wants your co-operation to prevent violations. By giving continuous attention to this policy, you may contribute to the saving of human life. Failing to do so, you may share a tragic responsibility.

Your relationship to juvenile delinquency

Most murderers and other felons have a crime record from small offenses during childhood. Setting a good example is a great force in the lives of young people. Every citizen should give special heed to his conduct when in the company of young people. A poor example of lack of restraint, indulgence in petty gambling, irresponsibility or inten-

perance, sets a poor standard for the observant youngster. His imitation of his elders in that respect may start him toward the career which makes it necessary for the community to have a constant armed guard over the lives and property of its citizens. Be a good pal to youngsters. Try to understand their many problems.

Your child and the baby-sitter

Parents are naturally concerned when leaving a child in the care of others, and sometimes there is reason to be. A few simple rules can increase competency and family security. You should have an agreement with your baby-sitter on the following points:

1. Rules as to what children may or may not do, use of radio, T.V., studying, time for bed, etc.
2. Company for the sitter should be agreed upon or forbidden.
3. Where and how to contact parents, doctors or the police.

Police are usually the quickest to respond and should be called first if conditions so indicate.

We're holding your son

"We're holding your son" or "Your daughter has been hurt" are just as dreaded calls for the police to make as for you to receive. But, unfortunately, such calls are on the increase and teen-age drinking is primarily to blame. Youth, automobiles and drinking form an unholy trio closely aligned with shame, pain and death. What can be done about the curse of teen-age drinking and driving? It's hard to say. Maybe it's closer family unity—warm hearts, fair minds and understanding to prevent such situations. Plus stern, exacting discipline when this "illness of youth" starts.

We are gravely concerned about the vicious increase of narcotics now filtering into our communities. Your sons and daughters are the targets. When "hit," happy home-life for these innocent victims is usually over. Please cooperate by revealing any possible knowledge which will enable us to apprehend persons who sell this deadly menace. You may even save your own child.

Warn against sex offenders

Tell your children not to be friendly toward strangers and to shun any advances made toward them. Children should be warned not to accept rides from strangers under any circumstances. Report license plate numbers of those who try "pick-ups." Young people who have to walk through lonely areas should take a companion along. If you learn of any accosters, notify the police at once and co-operate with them fully. Don't wait to report the crime of an "Exhibitionist." Immediately report type of person, clothing worn, car used and other identifying details.

Your duty in the prosecution of offenders

In many crimes, particularly sex offenses, witnesses or complainants are sometimes reluctant to appear when trial is necessary. Criminals are often cowards or persons of unbalanced or deficient mentality. These characteristics make them particularly dangerous if they are not checked by arrest and conviction. Failure to press cases and testify when necessary may result in future losses, harm, or even death to some innocent person. If you have facts concerning any crime, you should consider it your duty to testify. We will respect your confidences and it is the usual practice of the local press to withhold names of witnesses and others innocently involved.

If stopped by police

Do not be offended if questioned as to your identity and business by a police officer. His assignments and routine duty often require the identification of persons. Be glad that he is on the job. Remember, his job requires that he risk his life if necessary to protect

you. Reputable persons have nothing to fear from the police.

Your Police Department is anxious to give you the maximum protection and service possible with the personnel and equipment available. We solicit your cooperation in assisting the Police Department to keep Hartford a respected and law-abiding community.

AT YOUR SERVICE

Patrol division

Provides round-the-clock service responding to all calls of any nature from any source. There are 28 cruisers and 6 scooters equipped with two-way radio and emergency equipment. These vehicles are manned around-the-clock on a four-shift basis. The mobile patrols are supplemented by numerous walking beats which are maintained on a 24 hour basis. In addition, there are several Task Force Units whose function is to combat any sudden crime wave in any given area.

Detective division

Follows up investigations of extensive nature and handles most of the felonious crimes which occur within the City. It also handles police department activities requiring investigation outside the City.

Juvenile division

Investigates, evaluates, and processes complaints in which juveniles are involved. It also mediates in domestic problems wherein child neglect situations occur, and co-operates with the various social agencies in the area.

Traffic division

Responsible for the control and flow of traffic and the investigation of motor vehicle accidents. It maintains all traffic records, makes traffic studies, prepares traffic counts to qualify new installations, and installs and repairs traffic meters. It also maintains a safety program within the schools.

NOT DISCRIMINATING IS NOT ENOUGH

Mr. FANNIN, Mr. President, on Friday, I called attention to a recent panel decision approved by former Secretary of Labor Wirtz and the Office of Federal Contract Compliance, barring from prime contracts or subcontracts a company which the OFCC itself found affirmatively had not discriminated in employment. But, as pointed out, it was not enough merely to be free from discrimination. The company was found remiss in its duty and culpable, mirabile dictu, because it failed to seek out minority group applicants. Specifically, the company was ordered to discontinue its long and highly successful policy of recruiting by reliance on employee referrals and substitute instead a recruit program dictated by the Labor Department.

Thus we have this picture: a company in a tight competitive situation and guilty of no violation of law is censured and ordered to discard a long-established recruitment policy and to adopt in lieu of this a new and untried system, dictated by bureaucrats having no interest in or knowledge of the company or its needs. Mr. President, this action constitutes a major interference in the internal affairs of a company. It is an ill-advised attempt to accomplish surreptitiously a so-called social purpose without the benefit of legislation.

A group of persons in the OFCC somehow have never been able to grasp that there are limits on executive power. This agency apparently feels that it has

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There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR BARRY GOLDWATER AT A LUNCHEON MEETING OF THE WEST POINT SOCIETY OF THE DISTRICT OF COLUMBIA, FORT MYER, JANUARY 14

Needless to say, I am very happy to be back in Washington and the United States Senate. I am also happy that my prospects for returning to membership on the Senate Armed Services Committee appear pretty good.

Of course, many changes have been made during my four years of absence and many more, as you all know, are about to be made in the near future. One of the alterations on the Washington scene of particular note to men like you and me is the absence of Robert Strange McNamara from the Pentagon. I have got to say that this absence does not make my heart grow fonder of McNamara and his policies. Frankly, I am delighted that he no longer has the right to dictate our nation's defense policy. I only wish he could have taken with him the legacy which he left behind.

Perhaps I was too fast in assuming that Mr. McNamara has relinquished his voice in the affairs of this nation having to do with defense. I noticed in the papers that not long ago he visited the Soviet Union and discussed with the leaders of that nation the question of the pending treaty on non-proliferation of nuclear weapons.

And that brings me to the subject of my talk here today. I am deeply concerned at the emotional, oversimplified arguments that are being advanced to bring about a speedy Senate ratification of this treaty. What bothers me is that not nearly enough attention is being given to the technical and practical weaknesses of this diplomatic device, to say nothing of its dangerous psychological implications.

Let me take you back for a moment to another treaty with the Soviet Union. That one, negotiated in 1963, was called the Nuclear Test Ban Treaty. It was promoted to an almost hysterical degree by those advocates of accommodation as "a great forward step" in the never ceasing struggle for world peace. In that instance, all technical and factual considerations were swept aside in a wave of optimism generated by one of the best public relations promotions in our history. I would remind you that I, along with most other members of the Senate Preparedness Subcommittee, voted against that treaty. At the time I was told that if I opposed the Nuclear Test Ban Treaty, I would automatically forfeit any chance of receiving the Republican presidential nomination. And at that time I acknowledged that this might be the case and that I still felt the treaty had to be opposed in the best interest of this country. I hope I shall never at any time be tempted to place political consideration ahead of what I feel is right and proper for this nation and its security.

In opposing that earlier nuclear treaty, I was swayed by the testimony, some of it still secret, I might add, of scientists and military experts who believed sincerely that the Russians had an ulterior motive in accepting that treaty. It was pointed out that unlike the United States, the Russians had already conducted a series of high magnitude and high altitude nuclear tests and had gained valuable information about the mysterious problem called EMP (electro-magnetic pulse). By pushing through the Test Ban Treaty, the Russians could make sure that the United States would not solve the problems of EMP in the near future. In fact, there are military experts today who insist that we will never discover how to solve this problem until the testing ban is abrogated. I will not elaborate here on the dangers of not being able to overcome the effects of EMP, but I think most of you know that

they are rather frightening in their implications.

So much for the Test Ban Treaty. Now we are being asked to adopt a nuclear non-proliferation treaty with the Soviet Union and other nations. The arguments are familiar. They are all lofty and noble. They say that the greatest way in the world to avoid a nuclear holocaust is to deter the proliferation of the most horrible weapons ever devised. I ask you who, on the surface, could oppose such an appeal? If we want to take this argument at its superficial face value, then the answer is—no one could oppose it.

But I'm sure I do not have to tell most of you here that this question, no more than the Test Ban Treaty, does not lend itself to quick and easy answers.

To begin with, the treaty is meaningless because two present nuclear powers, France and Red China, will have nothing to do with it. In addition, many nations who presently are on the brink of developing nuclear weapons are likewise among the non-signatories. These include nations such as India, West Germany and Israel.

Consequently, we see that the most probable sources of nuclear proliferation in today's world are beyond the treaty's reach.

If there is a reason for ratification of this treaty, it has to be nothing but a token. In other words, if we are interested in trying to tell the world that the United States and the Soviet Union are engaging in meaningless gestures of accommodation, then there might be some excusable reason in the area of hope, humanitarianism or good will. This, of course, assumes that there are no technical disadvantages to the United States in the way the treaty is presently drawn. I believe that there are such deficiencies, and I shall mention them later.

But my objection to the non-proliferation treaty at this time has to do more with the effect it might have on foreign affairs generally. Look at what has happened in the struggle between East and West since we ratified the Test Ban Treaty and presumably took a giant step towards resolving our differences. The Soviet Union has repeatedly demonstrated that, far from reducing or being interested in a reduction of world tensions, it has actively and aggressively promoted such tensions on a worldwide basis. Vietnam is a case in point. The Viet Cong and Hanoi couldn't have kept up the pace at which they are killing American soldiers for six months without the supplies and support sent to them by our partner in the Test Ban Treaty. The Middle East would not today be the tinder box threatening the peace of three continents if it were not for an aggressive policy of Soviet arming of the Arab nations. The Mediterranean would not today be bristling with Soviet naval power. Czechoslovakia would not have been invaded, nor would Rumania and West Germany be threatened.

No, I tell you there can be no case made in fact for the argument that the Soviet Union is mellowing and that we must further that softening process through the ratification of a nuclear non-proliferation treaty. There is reason to believe that ratification of this treaty at this time would in effect place the U.S. stamp of approval on an aggressive and militant move made by Russia to stamp out human freedom. Members of the Senate I believe will have to ask themselves, if they accept a treaty with the Soviet Union in good conscience, whether they don't also ratify Soviet moves in other areas. Do we dignify Soviet policy, in effect, saying that it is honorable enough to sign a treaty with? Do we, in ratifying this treaty, announce to the world that we are ready to forget that the Soviet Union has a long, dishonorable history of broken treaties?

These are serious questions which bear di-

rectly on the security of this nation and which the advocates of the non-proliferation treaty would have us skip over in the interest of a word they love to use called "détente." They don't seem to understand that there can be no accommodation, there can be no true détente, so long as the Soviet Union continues to foment aggression and stir up war. A thousand non-proliferation treaties with the Soviet Union will not wipe out actions such as the invasion of Czechoslovakia.

I presume by this time you understand that I am unalterably opposed to Senate ratification of the nuclear non-proliferation treaty at this time.

Now I want to go into some of the technical and practical aspects of this treaty. A close examination of the possible effect leads to the conclusion that a definite possibility exists that if this treaty is ratified, some 100 nonnuclear nations may construe it as giving rise to a commitment of the United States to provide immediate military support in case of a nuclear attack or the threat of a nuclear attack against any such nation. It will be remembered that President Johnson and Secretary McNamara declared in 1966 that nations not seeking nuclear weapons can be sure of our strong support against nuclear blackmail. In addition, during 1968 the United States, the United Kingdom and Russia each issued similar declarations of intent to act immediately through the Security Council of the United Nations to assist any non-nuclear party to the treaty that becomes a victim of nuclear aggression or threat.

Another weakness of the treaty is that it would provide no safeguard which would go into effect simultaneously with the application of the treaty. The safeguards for verification of compliance would not be negotiated nor established until after the treaty enters into force and need not be concluded for two years thereafter.

The inspection phase of the treaty would be entrusted to the International Atomic Energy Agency which has no proven inspection skill. Even if adequate safeguards could be developed, the agency is limited under the treaty to declared nuclear facilities. There is no provision for searching out clandestine facilities. Nor does the treaty impose any penalty or sanction on any nation that violates the treaty.

Another thing the treaty would do would be to surrender our strategic options of placing strictly defensive nuclear devices in the control and custody of our allies. Under this option, our allies both in Europe and Asia conceivably would be able to secure their local defense without immediately triggering the intervention of the United States.

Interestingly enough, the Soviet Union violated the treaty by its invasion of Czechoslovakia while the document was awaiting action in the U.S. Senate. The preamble of the treaty declares that "states must refrain in their international relations from the threat or use of force against the territorial integrity of political independence of any state."

One of the most exhaustive studies of this faulty treaty was prepared by Walter B. Wentz of Claremont Men's College. He raised this interesting point about Article III of the treaty. This is the only article which deals with inspection and control and it applies, Mr. Wentz emphasizes, only to "fissionable" material. He points out that the day is not far off when nuclear explosions will be achieved by direct fusion without the preliminary trigger of fissionable uranium or plutonium.

These are the basic reasons why I plan to oppose this treaty if and when it is brought up for ratification in the U.S. Senate. I believe it contains absolutely no value in the field of deterring the spread of nuclear weapons. I believe it can only place this nation in a false and uncomplimentary light throughout the world if it is adopted.

S 1276

CONGRESSIONAL RECORD — SENATE

February 4, 1969

**PERSONNEL PRACTICES OF THE
FEDERAL GOVERNMENT**

Mr. SPONG. Mr. President, over the years, the Subcommittee on Constitutional Rights of the Committee on the Judiciary and its able chairman, the Senator from North Carolina (Mr. ERVIN), have conducted intensive hearings and investigations into numerous aspects of the personnel practices of the Federal Government. The committee's activities have revealed extensive and often shocking invasions of the rights and privacy of many Federal employees by the Government.

The use of interviews, psychological testing, and lie detectors to pry into the religious beliefs, personal relationships, and sexual attitudes of Government employees has been exposed on the front pages of the Nation's press as a result of the committee's hearings. Also, pressures on Government employees to support political candidates have become well known.

In addition, the Subcommittee on Constitutional Rights has documented the demands made on Federal employees to participate in outside activities unrelated to their work, to make charitable contributions, to buy Government bonds, to disclose personal financial affairs beyond that necessary to satisfy the conflict of interest statutes, and to submit to political indoctrination by their supervisors.

Investigations by the committee have revealed the failure in many cases to allow Federal employees the right to have legal counsel when undergoing interrogations that could jeopardize their employment or lead to disciplinary action.

As a result of the evidence developed by the Committee on the Judiciary proposed legislation was introduced in the last two Congresses which would offer protection to Federal employees in their privacy and the exercise of their constitutional rights. In the 90th Congress this legislation received strong support in the Committee on the Judiciary and the Senate as a whole and was passed by the Senate in September of 1967. It was then referred to the House Post Office and Civil Service Committee, which held hearings on the bill but took no action.

I am pleased to be a cosponsor of legislation which would offer protection to our Federal employees in their dealings with the U.S. Government. It is regrettable that such legislation is necessary, but experience and the evidence show that action must be taken to allow our civil servants the free exercise of their rights and the sanctity of their privacy.

This legislation is substantially the same as that passed by the Senate in the 90th Congress and would prohibit discriminate requirements that employees and applicants for Government employment disclose their race, religion, or national origin; attend Government-sponsored meetings and lectures or participate in outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships, or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates, or attend political meetings.

It would make it illegal to coerce an employee to buy bonds or make charitable contributions; or to require him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family, unless, in the case of certain specified employees, such items would tend to show a conflict of interest. It would provide a right to have a counsel or other person present if the employee wishes, at an interview which may lead to disciplinary proceedings.

It would accord the right to a civil action in a Federal court for violation or threatened violation of the act, and it would establish a Board of Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

There is no need for Congress to delay in enacting this vital legislation. The Senate has passed a substantially similar bill overwhelmingly, and a House committee has held hearings on the Senate-passed bill.

Failure or delay in acting by either the Senate or the House of Representatives is unnecessary and would be a disservice to the millions of Americans in the employ of the Federal Government.

MASS HANGINGS IN IRAQ

Mr. FONG. Mr. President, recent events in the tense Middle East have once again brought the countries in that area to the brink of a hot war. I refer specifically to the public hanging of 15 alleged spies in Iraq before several hundred thousand people last week. That primitive and inhuman display of "justice" was shocking and regrettable.

Mass executions are deplorable under any circumstance. But the barbaric performance staged by the Iraq Government was not only deplorable, it was downright foolhardy. Inflaming the emotions of its populace with such a display of "justice" will not serve the cause of peace in the Middle East.

The mass trials and public executions now taking place in Iraq will only serve to worsen an already dangerous situation. What positive, civilized purpose can be gained from them is incomprehensible. Indeed, they do nothing but inflame the conscience of those who would like to see relations between Israel and the Arab States improve. Provocative and inhuman actions of this kind must be avoided if peace is ever to be found in the Middle East.

Mr. President, despite strong domestic pressure for retaliation, the Government of Israel is to be commended for the degree of physical restraint that it has demonstrated to date. A retaliation by Israel would invite the most serious consequences for all concerned since these senseless acts of terror and violence usually lead to more incidents that serve only to exacerbate the difficulties and passions in that region.

To the leaders of Iraq, I urge you to reconsider and terminate the trials that are now taking place. What you are doing is not contributing to man's quest for peace in the Middle East. The opportunity for reconciliation and understanding must be nurtured, not squelched; the

call for tolerance and restraint must be answered, not ignored; and the pleas for mercy and forgiveness must be carried out, not repudiated.

Mr. President, the seriousness of the Middle East problem makes it impossible for any person or country to remain silent or apathetic. We all have a great moral responsibility to show, by our own deeds and the actions of our Government, that we are truly concerned; that we do not approve of mass trials and executions; that we are aware of the great threat that exists in the Middle East; and that we will do everything within our power to arrive at a just and lasting peace in that part of the world.

**POWERPLANTS ENDANGER MARINE
LIFE**

Mr. TYDINGS. Mr. President, the protection and preservation of America's water resources are among our greatest responsibilities.

Powerplants on our Nation's rivers pose grave potential hazards to marine life. The plants, whether nuclear or conventionally powered, replace the naturally cool waters of our rivers with warm water discharges, resulting in thermal pollution.

In its January 20 edition, *Sports Illustrated* voices the concern of our Nation's fishermen and conservationists over the loss of fish in our waters as a result of thermal pollution. It is a problem that should concern all our citizens.

Mr. President, I ask that the full text of the *Sports Illustrated* article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE NUKES ARE IN HOT WATER

(By Robert H. Boyle)

(NOTE.—Utility companies are going full steam ahead on the construction of nuclear plants, but the threat of thermal pollution may force a cooling-off period.)

What literally may become the "hottest" conservation fight in the history of the U.S. has begun. The fight is over nuclear power plants and the damage they can inflict on the natural environment. The opponents are the Atomic Energy Commission and utilities versus aroused fishermen, sailors, swimmers, homeowners and a growing number of scientists. More than 100 nuclear plants are on the drawing boards, and before the fight (or war, to use a more appropriate term) is over, almost every major lake and river and stretches of Atlantic, Gulf and Pacific coasts are likely to become battlegrounds.

There are several objections to nuclear plants, but the immediate uproar is over thermal pollution caused by hot-water discharges from the plants. In order to compete economically with so-called fossil-fueled plants, which are fired by coal, oil or gas, nuclear plants must be of much larger capacity. Despite their size, they are not as efficient as fossil-fueled plants in utilizing the steam heat produced, and they thus require enormous amounts of water to cool the waste heat. In consequence, the plants are being built next to natural bodies of water, thus assuring a continuous flow. The water is passed through a condenser where it becomes anywhere from 11° to 25° Fahrenheit hotter from absorbing the waste heat, and it is then shot back into the body of water from which it came. A one-million-kilowatt nuclear plant, typical of those being planned, requires 850,000 gallons of water a minute

pliance rested with management, irrespective of its obligation (or ability) to bargain collectively with employees on such matters.

With the seniority question still hanging—dependent only on "results"—OFCC applied pressure, circulating a "consult memorandum" to all federal agencies: it advised that before the purchase of paper products from Crown Zellerbach, OFCC should be consulted. Some contracting agencies simply took the company off their bidders' list, rather than run the risk of holding up a contract. Others took the memorandum to mean they could sign no new contracts with Crown until OFCC advised otherwise.

The effect was to bar the company from new federal contracts, without a hearing, for an indefinite period. Meanwhile, Crown Zellerbach vainly tried to negotiate a labor-management agreement on seniority satisfactory to OFCC. The agency finally ordered that the changes be made unilaterally by management, threatening "sanctions" if it did not comply. The Papermakers, for their part, threatened to strike if the system were changed without their consent.

MARCHING TOGETHER

Caught in the crossfire, both Crown Zellerbach and the union went to court in cases that were later consolidated. They obtained an order enjoining the Secretary of Labor from withholding federal contracts without a hearing. OFCC then agreed to hold a hearing to determine whether it had wrongly required the firm to change its seniority arrangements. The company then said it would make the seniority changes and promised its employees that if the new system were declared invalid, they would be reimbursed and reinstated according to provisions of the old method.

Unmollified, the union independently sought an injunction against implementation of new rules before a hearing. That case was dismissed, whereupon the Papermakers again announced strike plans. At that point last January, the Justice Department, at OFCC's request, asked the U.S. District Court at New Orleans to enjoin a walkout. The purpose of a strike, said the Justice Department, would be to maintain a seniority system which was illegal because it was discriminatory. The court issued the order banning a strike.

In the wake of its court-backed victory—according to Acting Director McCreedy, seniority at the Bogalusa mill (which was revised the day after the strike was blocked) now is working satisfactorily to the OFCC, and the agency seems to have emerged stronger than ever. For one thing, the Justice Department moved immediately against the same company's box plant at Bogalusa, enjoining enforcement of an allegedly discriminatory system there; the court ordered plant-wide seniority covering all employees hired before the 1964 Civil Rights Act. For another, OFCC retained the power to issue government-wide "consult memorandums," according to Mr. McCreedy, "despite the Crown Zellerbach decision." Finally, in the opinion of an AFL-CIO spokesman, the decision will enable OFCC to move more expeditiously in future cases of similar labor-management conflict.

OUT OF COURT

Indeed, the agency already had proved that it can effectively harass an employer without resort to the courts. Exhibit A is Timken Roller Bearing Co., which has been the subject of an OFCC probe almost since the day the agency was created. Like Crown Zellerbach, the Ohio manufacturer was able to satisfy all of OFCC's demands except those involving seniority. These, the company said, would have to meet agreement by the United Steelworkers (AFL-CIO), under a contract calling for new negotiations to begin 60 days prior to termination last August 25.

Nevertheless, in November 1967, Timken was ordered to begin immediate negotiations

with the Steelworkers toward a revised seniority system. In that event, said the union, full-scale labor-management talks should start at once, despite contract terms. After three months, however, nothing had been agreed upon, and in late February, OFCC held an informal two-day hearing of its own—without union representation. The agency told management it had 60 days to reach agreement correcting the "entire problem" of discrimination in seniority.

Timken and the Steelworkers proceeded with a marathon series of 18 conferences. "Despite the substantial changes which the company has offered to make in the seniority provisions of the 1965 Basic Labor Agreement," a company spokesman finally reported, "The union negotiators were still demanding additional changes which, in the company's opinion, were not required in the Agreement for purposes of compliance (with federal anti-discrimination regulations)."

TIGHTENING THE SCREWS

On May 3, Timken told OFCC it was stymied. On May 23, OFCC announced initiation of debarment proceedings and also told the firm it would "recommend to the Department of Justice that appropriate proceedings be brought to enforce your contractual equal employment obligation. . . ." The company was given 10 days to request a formal OFCC hearing—or immediately lose all present and future government orders, as well as those from any other firms doing business with the government. Timken was faced with a Hobson's choice. It decided a lawsuit would take too long: it might win the point eventually, but lose its shirt in the process. An injunction also seemed out of the question since, unlike Crown Zellerbach, Timken now had been offered a hearing by OFCC.

So Timken accepted the arrangement. Two agonizing months went by before Secretary Wirtz appointed a three-man panel. Hearings were to begin August 27 (two days after the union contract would expire). Meanwhile, OFCC's Mr. McCreedy told the company that, effective July 22, it must give "our compliance officers . . . free and full access to all personnel records, all test records, the employment applications of the last 100 applicants for employment and employment applications for the last 100 unsuccessful applicants for employment."

The officers arrived at Timken headquarters in Canton, Ohio, on July 29 and stayed until August 2, examining material. During that time, notices appeared in bars near the Canton plant urging all Timken employees to meet July 31 at 535 Cherry Avenue to "register all complaints against Timken Roller Bearing." One notice said: "Complaints: No. 1 No white-collar jobs. No. 2, No promotions. No. 3 Discriminating practices."

While seniority generally is regarded as the bulwark of unionism, OFCC's pressure for seniority changes actually strengthened the Steelworkers' position; for years they had wanted a less restrictive system, irrespective of racial overtones. In any case, labor-management relations went from bad to worse. On August 25 (when the contract expired) the United Steelworkers walked out, launching a bitter seven-week strike against Timken Roller Bearing. In those circumstances and with management now completely preoccupied, the August 27 OFCC hearing postponed.

But on October 7, with the plant still struck, Timken representatives were summoned to Washington anyway, for a pre-trial hearing by the three panel members. Chairman Harold Summers (who is associate chief trial examiner of the National Labor Relations Board) suggested that Timken meet with the OFCC that very day, to find a settlement and eliminate the need for a hearing. The Timken people did sit down with agency officials and told them a settlement with the union was imminent but refused to disclose bargaining data.

Four days later, the Steelworkers returned to their jobs—under a new contract incorporating complex and rather drastic seniority changes. Previously, Timken had 212 seniority "units" for 9,500 employees and transfers of seniority between units were not permitted. Now there were only four such units covering the entire plant, and transfer from one to another would entail no loss of pay or other rights. The company also promised to notify all employees when openings occur, so that minorities can apply—and can file complaints if they are turned down for reasons they suspect are "discriminatory." Every employee, moreover, would get a 45-day trial period on any new job, to show whether or not he can handle it.

OFCC then discontinued its debarment proceedings—but with certain conditions. Every two months for one year, Timken must file a detailed report on any changes (or denial of changes) in job classifications, including this data: "In the case of Negro employees who are denied a transfer or who fail to qualify, the reasons for such denial or failure shall be fully set forth in the report." In addition, by mid-March Timken must submit a written "affirmative action" program "with respect to recruitment, selection, employment and promotion of officials, managers, professionals, technicians, sales workers and office and clerical workers and apprentices and other trainees. . . ." (The company, meanwhile, may not have seen the end yet; it recently was visited by an investigator from another agency, EEOC.)

WHAT IT PROVES

What has it all proved? OFCC and EEOC spokesmen say the Timken agreement out-modes the highly controversial one obtained nearly two years ago at Newport News Shipbuilding & Dry Dock (Barron's, July 17, 1967), which called for preferential promotions for certain Negroes and special recruitment of blacks. It appears to have done more than that by establishing the precedent that Washington—independently of the courts—can wreak havoc in already troubled labor-management affairs, over the issue of equal opportunity.

THE NUCLEAR NONPROLIFERATION TREATY—SAFEGUARD AGAINST WORLD CATASTROPHE

Mr. MONTOYA, Mr. President, proponents of the treaty contend that the nonproliferation treaty will further the ultimate objectives of the North Atlantic Treaty Organization which are to preserve peace and security. They agree that the NATO allies should share in the setting of strategy and making of policy concerning nuclear weapons, but they deny that this requires relinquishing control over nuclear weapons to any member. In their view this goal and the nonproliferation treaty are not incompatible.

Even before the agreement on the treaty, U.S. officials said that there were no plans to give up the U.S. control, or veto right, over its nuclear weapons dispersed as part of NATO's collective security effort, "control" being defined as the "right or ability to fire nuclear weapons without the concurrent decision of an existing nuclear weapon state."

In answer to the question of whether there were any atomic bombs or hydrogen bombs in the world "owned by the U.S. Government that is not under our control which can be fired without the direct consent and activity of the U.S. Government," Secretary McNamara replied on March 7, 1966:

February 4, 1969

Every weapon we currently possess is so controlled and there are no plans under discussion that would in any way change that form of control . . . President Kennedy and President Johnson have both made very clear their instructions to Secretary Rusk and to me with respect to the participation by our allies in nuclear planning. They have not suggested or instructed us to propose or push or seek to obtain the approval of a multi-lateral force. Quite the contrary, they have simply said that it is in our interest that our allies understand the strength of the nuclear deterrent which is the foundation of the security of the West, which is the basis on which the West is protected against certain forms of aggression, large-scale conventional attacks or nuclear attacks against it.

It is very much in our interest that our allies understand the strength of that deterrent and participate in the planning of it and the potential use of it. We are anxious to have that participation in ways that they find acceptable to them.

Therefore, our instructions from both Presidents have been to discuss with our allies actions that can be taken to meet their desire for greater participation. Sometimes the public has been led to believe by reports out of various capitals that we are promoting a particular form of participation, a "hardware" solution, or what has become known as a "hardware" solution.

Such is not the case. We are simply seeking to reassure our allies as to the strength of this deterrent by providing for whatever participation in the planning they choose to have, through whatever devices they prefer for that purpose.

... We have no plan to dilute our veto in any way and our allies are not asking us for a dilution of that veto.¹

In speaking to the First Committee of the U.N. General Assembly on November 4, 1966, Mr. Foster stressed that it was the conviction of all members of NATO, including the Federal Republic of Germany, that while non-nuclear members were entitled to express their views on collective nuclear defense as well as on collective conventional defense, such an arrangement need not and must not lead to or involve the proliferation of nuclear weapons.

Proponents contend that the United States would not relinquish control over its nuclear weapons to a nonnuclear nation anyway, whether or not there was a nonproliferation treaty, because section 92 of the Atomic Energy Act already prohibits the transfer of nuclear weapons to another nation; thus, they say, the treaty does not prohibit the United States from doing anything that was not already prohibited by its own legislation.—Senator PASTORE, CONGRESSIONAL RECORD, August 24, 1967, page S12194.

Those in favor of the nonproliferation treaty also believe that it offers a solution to the problem of the future nuclear status of the Federal Republic of Germany. On the one hand, they say, Germany's participation in the treaty should assure those who express fear of Germany's obtaining nuclear weapons through nuclear sharing arrangements or as a result of its progress in civil nuclear technology. On the other hand, for those who object to singling Germany out for a

prohibition against the manufacture of nuclear weapons, as present arrangements do, the treaty seeks to obtain from all nonnuclear powers the pledge not to manufacture nuclear weapons which Germany agreed to in 1954. The pledge not to acquire nuclear weapons would be a new obligation for Germany as well as other nations.

U.S. officials who have negotiated the nonproliferation treaty look upon its inspection provisions as a means of moving closer toward an objective for which it has long been working, the international inspection of all peaceful nuclear activities. One of the main reasons the United States has furnished nuclear assistance to help other countries to develop the peaceful uses of the atom was to get these activities under a safeguards system from the beginning. It was able to do this by insisting upon inspection as a condition of furnishing the nuclear assistance. The United States is no longer the only country able to furnish assistance with the peaceful uses of atomic energy, however, and as an increasing number of countries begin to sell reactors in the international market, the United States will no longer be able to assure that such nuclear materials will be under some kind of safeguards system so that it will not be diverted to weapons purposes.

Proponents contend that the treaty will provide a method of getting all the peaceful nuclear activities of nonnuclear states under inspection, whether or not they receive assistance from the United States. Under the nonproliferation treaty all the nonnuclear countries which become parties must agree to inspection arrangements under the International Atomic Energy Agency. The International Atomic Energy Agency has already gained considerable experience in applying safeguards for cooperation in the peaceful uses of nuclear energy, and U.S. officials believe it will be capable of carrying out the safeguards envisioned in the treaty although its staff would have to be expanded to meet the increased workload. Basically these safeguards would consist of periodic inspections by the IAEA to verify a nation's accounting of the quantity and location of all the nuclear material being used or stored by it. The purpose would be to insure that such material was being used in the manner stated and that no quantities were unaccountable for and thus possibly might be being diverted to weapons use.

Development of the International Atomic Energy Agency as a body responsible for and capable of both promoting and safeguarding the peaceful uses of atomic energy has long been an objective of U.S. policy. The agency originated as a result of the atoms for peace proposal made by President Eisenhower in 1953. In recent years the United States has begun to designate the IAEA to carry out the inspection of the nuclear assistance it provided to other countries under bilateral agreements, so it is already relying on the IAEA safeguards system. The treaty, proponents contend, will extend these safeguards to all the peaceful nuclear activities of all the nonnuclear signatories, and this will be what the United States has been striving for in

its own foreign policy. Without the treaty the systematic inspection of peaceful nuclear activities might never develop.

Although the treaty does not require any inspection of the Soviet Union, this is felt not to be necessary since the treaty does not prohibit the Soviets from continuing to make nuclear weapons anyway. Proponents believe that the Soviet position in favor of IAEA safeguards for the nonnuclear states is an improvement over its former position that no inspection was necessary. Moreover, in the hope of encouraging the further development of IAEA safeguards and their acceptance by the nonnuclear nations and eventually by the Soviet Union, and to show that the United States was not asking other states to accept any safeguards it would not accept itself, President Johnson on December 2, 1967, announced that "when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance." The same offer has been made by the United Kingdom.

Many proponents take the view that no inspection system which would be acceptable at the present time would be completely foolproof. However, they believe that coupled with the observations and sources available to the diplomatic, military, commercial, and intelligence communities, the inspection system contemplated in the nonproliferation treaty would be adequate. In their view the main effectiveness of the treaty consists of the declaration of intention; if a nation wishes to become a nuclear power it would either not sign the treaty or withdraw from the treaty rather than attempt to violate it clandestinely.

WHAT IS A SOUND FARM POLICY?

Mr. CURTIS. Mr. President, some Members of the Senate have outstanding backgrounds and capabilities for analyzing farm policy problems. One who has been a consistently sound thinker on agricultural matters is the distinguished senior Senator from South Dakota (Mr. MUNDT). I have before me a copy of an article entitled "What Is a Sound Farm Policy?" written by Senator MUNDT, and published in the January-February issue of Rural America magazine.

I note in particular that Senator MUNDT in this article makes a statement that when talking about farm policy and farm programs—

We are talking about its programs which assist those engaged in some segment of agriculture in their effort to achieve full parity of income for that effort.

I have long said, Mr. President, that I believe that every farm program and every action taken by the Department of Agriculture in administering that program should be directed toward proving or increasing the income of farmers or the prices they receive for their products in the marketplace.

I fear that in previous years some mistakes were made that allowed the thinking and action of the administrators to

¹ Secretary McNamara in testimony before Joint Committee on Atomic Energy, March 7, 1966, pp. 77 and 82.

On 5 June 1968, Admiral Thomas H. Moorer, U.S. Navy, Chief of Naval Operations, declared that USS *Scorpion* must be presumed lost and the 99 men aboard her, dead. The communication of shortly before midnight (Greenwich time) on 21 May 1968, was the last word ever received from anyone on board that vessel.

Search operations continued, although the scale of such operations was later reduced, until the 29th of October, 1968. At that time, the USNS *Mizar* located portions of the hull of the submarine in more than 10,000 feet of water, at a point some 400 miles southwest of the Azores.

A Court of Inquiry composed of seven members, with Vice Admiral Bernard L. Austin, U.S. Navy (retired), as president, was convened on 5 June 1968 to investigate the loss of the *Scorpion*. The Court conducted its proceedings at U.S. Atlantic Fleet Headquarters at the Naval Base in Norfolk, Virginia. After the discovery of the portions of the *Scorpion* hull the Court of Inquiry reconvened. The Court was in session for an aggregate of some eleven weeks. During that time ninety witnesses were examined, including military and civilian technical experts in the nuclear design and construction fields, photographic interpretation analysts, cartographers, naval officers and enlisted men who previously served in the *Scorpion* or nuclear submarines of the same class, naval officers from various submarine staffs, and many other individuals who were associated with USS *Scorpion* or similar submarines. Much of the testimony was received in open sessions. The aggregate record to date includes 1334 pages of testimony, findings of fact, opinion, and recommendation, and 232 numbered exhibits, including photographs, charts, graphs, radio messages, diagrams, letters, and other pertinent documents. Some of the numbered exhibits include several representative photographs, diagrams, or other documentary items.

The Court of Inquiry considered a wide range of possibilities in seeking to ascertain the cause of the loss of the submarine. The photographs made of portions of the wreckage that were found did not furnish definite clues to the cause of her loss. After full study of the available evidence the Court dismissed the nuclear reactor plant as a possible cause of the loss. The Court also gave the opinion that "the loss of *Scorpion* is not attributed to the delayed completion of her full Subsafe (Submarine Safety) Program."

The Court further stated that "*Scorpion's* overall material condition was excellent and none of the outstanding ship alterations . . . were required for safe operation to her restricted depth." In addition, none of the pending work requests "were of a nature that would affect safe operation of the ship."

From the testimony of officers and men who had previously been on board the ship for duty or who had observed the ship, it was unanimously agreed that the crew was well trained. Witnesses were also in agreement that the *Scorpion* crew could be expected to take proper action in event of a ship control casualty in order to prevent the submarine from descending to crush depth. A flooding accident would normally be brought quickly under control by a crew as well trained and experienced as *Scorpion's*.

From these same witnesses and experts in submarine torpedoes it was developed that *Scorpion's* torpedomen were well trained and that procedures used in handling ordnance on board were consistent with established safety precautions. Testimony also established the long history of safety in submarine torpedoes.

The Court found no evidence that collision with another submarine or ship caused *Scorpion's* loss. No U.S. ships or submarines have reported such a collision, nor have those of any other nation. Additionally, no wreckage other than *Scorpion's* has appeared in the

thousands of photographs taken by *Mizar*. There is also no sea mount in the area of the *Scorpion's* loss with which the submarine might have collided.

No evidence of any kind to suggest foul play or sabotage was found by the Court.

Testimony before the court established that *Scorpion's* crew was stable and mature with no indication that anyone was other than fully reliable. In addressing this question, the Court stated that "the evidence does not establish that the loss of *Scorpion* and deaths of those embarked were caused by the intent, fault, negligence or inefficiency of any person or persons in the naval service or connected therewith."

Upon fully appraising the various possible causes, and after examining the *Mizar* photographs as well as other evidence surrounding the loss of the *Scorpion*, the Court of Inquiry concluded: "The certain cause of the loss of *Scorpion* cannot be ascertained from any evidence now available."

The Court of Inquiry included in its report a recommendation for further examination of the wreckage in an effort to determine the cause of the tragedy and to prevent others. In pursuance of this recommendation, the Navy's deep diving submersible *Trieste II* will be moved from the West Coast to the Atlantic early this year to take additional photographs and afford on-the-spot observation of portions of the *Scorpion's* hull. *Trieste's* crewmen will be able to conduct visual inspection of *Scorpion's* hull through the use of powerful spotlights, and will be able to make photographs from different angles than was possible with the *Mizar's* towed underwater camera.

The comment of Admiral Thomas H. Moorer, U.S. Navy, Chief of Naval Operations, upon considering all data relating to the loss of *Scorpion* was:

"I have no doubt that the concepts, procedures, and operating practices employed by the United States Navy in submarine operations are sound and effective. Nevertheless, such practices will continue to be reviewed in the future as they have been in the past. The long history of outstandingly successful submarine operations; the current state of our advanced submarine technology; and the knowledge, experience, and training of our submarine personnel warrant the continued confidence of the public in this naval capability which is of such paramount importance to our nation's future security."

A SALUTE TO ITALY BY CITY OF BIRMINGHAM, ALA.

Mr. SPARKMAN. Mr. President, the city of Birmingham, Ala., each year has a great spring festival and fair, at which some friendly nation is honored.

This year the festival is to be held on March 14 through 30, and it is to be called A Salute to Italy. I have had some small part in preparing for this affair, and I know that it will be a great event. The Italian Ambassador, the Honorable Edigio Ortona, and His Excellency Archbishop Raimondi, the apostolic delegate, are coming for the event. I invite my congressional colleagues and all other Americans to visit Birmingham and Alabama at this beautiful spring season, and to join in Birmingham's "Salute to Italy."

In keeping with the festival plans, Birmingham's 19th and 20th Streets will be renamed Via Veneto and Via Condotti. Important Italian art, much of it from Italy, will be displayed. There will be Italian food, Italian dancing, and Italian costumes.

Signor Franco Corelli will appear in concert. There will be special showing of

Italian films. The Vatican is sending the Pope's tiara to be exhibited. The University of Rome will show centuries-old anatomical drawings.

These are only a few of the attractions which will bring thousands to Birmingham during the second half of March. The city of Birmingham and the officials of the city and of the State of Alabama join me in this invitation to come to Alabama at that time.

STABILITY FOR DOMESTIC STEEL INDUSTRY

Mr. DIRKSEN. Mr. President, very shortly there will be introduced in the Senate a measure designed to provide some stability for our domestic steel industry. Originally I had not intended to be a cosponsor of that measure and had so notified the Senator from Indiana (Mr. HARTKE), who will introduce it. However, information that was available only yesterday caused me to reconsider my position. As a Senator from Illinois, one of the principal steel-producing States in the Nation, I cannot stand aside and permit imports to capture an ever-increasing share of our domestic market to the further injury of our domestic industry. I will be a cosponsor of the steel quota bill.

Preliminary figures given me yesterday show that steel imports for 1968 were far higher than anyone had expected—they total 17,959,886 tons, an increase of over 56 percent from 1967. In fact, for the month of August, imports were running at an annual rate of 30 percent of domestic consumption. Imports in 1967 represented 12.2 percent of consumption, in 1968 even with the dock strike they jumped to 16.7 percent of consumption. Unquestionably a situation such as this cannot be permitted to continue. The measure that will soon be introduced will restore some stability while permitting imports a fair share of our growing market.

We do have a recognition by foreign producers of the injury they have inflicted upon our domestic industry. In letters directed to our Government last month they have indicated their willingness to voluntarily curtail their exports to our market. But I question whether this unilateral offer will sufficiently reduce imports to the level needed to assure our domestic producers of an equitable share of the market. It is to be hoped that the new administration will quickly undertake to negotiate a voluntary agreement with the Japanese, E.E.C. and other steel producing nations, one that will be meaningful, one that will preserve for our domestic producers a fair and equitable share of the domestic market. Such a voluntary agreement is a far more preferable way of solving this problem than legislative quotas. But, if they cannot obtain such an agreement, then legislation is the only solution.

THE NUCLEAR NONPROLIFERATION TREATY—IT WILL NOT WAIT

Mr. MONTROYA. Mr. President, underlying the nonproliferation treaty is the premise that the larger the number of countries that possess nuclear weapons,

the greater becomes the danger of nuclear war. The possibility of nuclear war beginning by accident or miscalculation will multiply with each addition to the current number of nuclear powers, proponents of the treaty contend, particularly since few other nations will have the resources to devote to safety precautions such as those devised by the United States. Moreover, they fear, with proliferation the danger increases that nuclear weapons will fall under the control of irresponsible persons or governments who will deliberately initiate a nuclear war without regard to the consequences.

More than 40 non-nuclear nations already possess operating nuclear reactors, proponents point out, and power reactors fueled with natural uranium produce plutonium, which can be used in the manufacture of nuclear bombs, as a byproduct. In his message transmitting the treaty to the Senate, President Johnson said that "by 1985 the world's peaceful nuclear power stations will probably be turning out enough byproduct plutonium for the production of tens of nuclear bombs every day."

A growing number of countries are developing the nuclear technology industrial capacity, wealth, and access to fissionable material which would make it possible for them to enter the ranks of nuclear-weapons powers within a few years if they chose. A memorandum from the Atomic Energy Commission has stated:

The resources necessary for the manufacture of a few rudimentary nuclear weapons are within the means of many nations. The essentials are a cadre of trained personnel, uranium, and an industrial base adequate to permit the construction of a nuclear reactor and auxiliary facilities large enough to provide the necessary quantities of plutonium. Thus many nations possess resources sufficient to undertake, without special outside assistance, to manufacture a few rudimentary nuclear weapons, given the national will to do so and the readiness, in some cases, to forego the benefits from the endeavors to which those resources might otherwise be applied. The time required would vary among the group of countries, and for those which have only the minimum resources, the time might be ten years or more.

At the upper end of the scale, highly industrialized nations, with substantial national income, large numbers of trained scientific, technical and managerial personnel and a reasonable available source of uranium could become capable of manufacturing a few rudimentary nuclear weapons within a few years or less.

Among those non-nuclear-weapon countries whose industrial economies are probably adequate to support a program for the manufacture of a sizable number of reasonably sophisticated nuclear weapons and systems for their delivery, within five to ten years from a national decision to do so, are those such as Australia, Canada, the Federal Republic of Germany, India, Italy, Japan and Sweden. Those states whose resources are somewhat more limited, and might therefore take somewhat longer to reach that level of numbers or types of weapons systems, could include Argentina, Austria, Belgium, Brazil, Chile, Czechoslovakia, Hungary, Israel, Netherlands, Pakistan, Poland, South Africa, Spain, Switzerland, United Arab Republic, and Yugoslavia.¹

¹ Nonproliferation Treaty, Hearings before the Senate Committee on Foreign Relations, July 10-17, 1968, p. 31.

Proponents point out that the prevention of the proliferation of nuclear weapons has been a major objection of U.S. foreign policy for several years. In testimony before the Joint Committee on Atomic Energy on February 23, 1966, Secretary of State Rusk said:

The further spread of nuclear weapons increases the danger of nuclear war and diminishes the security of all nations, including the United States. This is true for a variety of reasons, and it may be useful to spell out some of the reasons that have led the executive branch to make nonproliferation a major objective of our foreign policy.

Nuclear proliferation could add a new and dangerous dimension to historical ethnic and territorial disputes existing between nations. A decision by one party to acquire nuclear weapons could generate pressures on others to "go nuclear"—or to destroy the nuclear facilities of the acquiring state before the program reaches completion. In other words, it stimulates the threat of preventive war.

Nuclear weapons in the hands of more countries could have consequences for world security which no one can foresee. Every additional country having nuclear weapons, no matter how responsibly governed—and may I inject that not all countries are always responsibly governed—is an additional center of independent decision-making on the use of nuclear weapons. International relations are thereby made more complex and more dangerous, and the risk that one of such centers could fall into irresponsible hands is increased. Indeed, the United States believed—and this is something that is easy for everyone in the world to forget—that even one nuclear power was too many, and immediately after World War II we sought to remove nuclear energy from the military field. It is a great tragedy that our proposals were not accepted at that time.

Efforts of the present nuclear powers to negotiate mutually advantageous nuclear arms control agreements will be more complex and hence more difficult as the number of such powers increases, and, of course, the overall chance of accident or unauthorized use would increase as more nations acquired nuclear weapons.

Our efforts to maintain friendly relations with as many countries as possible would become more difficult by virtue of nuclear weapons spread. This is because we are seriously and solemnly committed to nonproliferation. If one of two parties to a continuing dispute should decide to produce a nuclear arsenal, the United States might have to decide whether to assist the other party, either through direct military assistance or security assurances; whether to continue economic assistance for the acquiring country; or whether to attempt to disengage completely from the area, with all the consequences that that would entail. The impact of any of these decisions would be far-reaching and complex.

The spread of national nuclear capabilities would interfere with vitally needed economic growth in the less developed countries. Some potential nth countries are attempting to promote their economic development with the support of the United States. The cost of developing nuclear weapons and delivery systems could force curtailment of that effort and tend to cancel out benefits of economic assistance provided by the United States.²

Those in favor of the nonproliferation treaty believe it will be a major step toward preventing proliferation of nuclear weapons. First, they say, it will represent a formal mutual commitment by the two largest nuclear powers, the United

States and the Soviet Union, not to disseminate nuclear weapons or help other nations manufacture them, and to pursue a policy aimed at preventing further spread of nuclear weapons. Without assistance by the major nuclear powers, achievement of a significant nuclear capability by any other country would be more difficult.

Second, conclusion of the treaty would create considerable pressure in world opinion for each non-nuclear state to become a signatory. At the same time, it would relieve some pressures which would otherwise push nations in the direction of seeking nuclear weapons. In those areas where strong local rivalries exist, as between Arab States and Israel, for example, suspicion that one side may be acquiring nuclear weapons may make similar acquisitions seem imperative to the other side. On the other hand, if Egypt and Israel signed the nonproliferation treaty, suspicion between the two sides could be replaced by assurance that each was pledged not to acquire nuclear weapons and would submit its peaceful nuclear facilities to international inspection.

Pressures to enhance status and prestige through obtaining of nuclear weapons can also be reduced by the nonproliferation treaty. Without conclusion of a treaty it is only a matter of time till some additional nation manufactures nuclear weapons. Then other nations will feel they too must have nuclear weapons to maintain equal status. The five current nuclear powers already have special status because, except for the special problem of China, they coincide with the five permanent members of the United Nations Security Council. Achievement of nuclear weapons by a sixth power might generate a nuclear arms race among other nations to become the strongest of the middle powers. The only way to prevent this race is through convincing non-nuclear powers of greater advantages of remaining non-nuclear and obtaining their adherence to the nonproliferation treaty.

A representative of Mexico at the Eighteen Nation Disarmament Commission has said:

We believe that no treaty on the nonproliferation of nuclear weapons that could be signed, or even conceived, would satisfy everybody. . . .

But it is equally certain, or even more so, that, unless a radical change comes about in the international situation, either the nonproliferation treaty will be concluded with all its limitations and inevitable shortcomings, or all reasonable possibility of stopping the arms race and making progress towards general and complete disarmament will be removed forever. The nonproliferation treaty is only one step on the long road to disarmament. But it is a necessary step. If it is not taken, this road will not be travelled. And if it is not taken soon, within a short time this road will be closed.³

SENATOR COOPER'S VIEWS ON FOREIGN POLICY

Mr. CASE, Mr. President, the senior Senator from Kentucky (Mr. COOPER) always speaks with great authority on

² Hearings before Joint Committee on Atomic Energy on S. Res. 179, pp. 4-5.

³ Mr. J. Castaneda, Rep. of Mexico to ENDC, June 13, 1967, ENDC/PV. 304, p. 4-5.

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function of our national security needs rather than of the financial and military appetite. Our defense industries have marvelous research, development, and production ability that could well serve the civilian needs of our nation if properly directed.

Five years ago I introduced the National Economic Conversion Act which proposed comprehensive study and planning to assist in converting excess military production ability and military funds to civilian needs. Although my proposal was not enacted, it should have been. We should now be well past the study stage and into actual conversion.

We need desperately to develop the competence on every level of government, from the city council to the White House and throughout the private sector as well, to convert resources no longer needed by the military into other useful purposes. This is the rational way to cope with the "potential for the disastrous rise of misplaced power" in the "military-industrial complex" about which President Eisenhower warned us so eloquently in his great farewell address of January 17, 1961.

We live in a magnificent country but we have not yet crossed into the promised land. We are confronted by urgent domestic needs that are neglected because the nation's financial, human, and material resources are being poured into sterile military make-work projects. We must redirect this money, talent, and resources to meet the needs of our people. We cannot afford to do otherwise, for what is at stake is the quality of our society and a more meaningful expression of the human spirit.

OKUN'S EXCELLENT JOB

Mr. PROXMIRE. Mr. President, Dr. Arthur M. Okun, as Chairman of the President's Council of Economic Advisers, served brilliantly. He served with distinction and effectiveness at a period when economic policymaking was particularly difficult. Only 40 years of age, the former Yale University professor has already had an outstanding career, and he is only beginning.

Arthur Okun, born in Jersey City, N.J., in 1928, received his A.B. and Ph. D. degrees from Columbia University. He taught at Yale from 1952 to 1961, at which time he came to the Council to serve as a member of the staff under the distinguished Chairman, Walter Heller. He returned to Yale for a short period, but in 1964 was brought back as a Member of the Council of Economic Advisers and became its Chairman in January 1968.

Okun specialized in the application of quantitative techniques to economic forecasting and policy analysis, as have an increasing number of the younger economists in the postwar era. Though "a numbers man," as the phrase goes, he was a strong and skilled exponent of the instruments of public economic policy in promoting economic stabilization and growth.

Although I did not always agree with his recommendations, I was always impressed by the high competence and dedication that he displayed.

Okun's balanced and able contributions to the debates over public policy will be missed in the circles of Government, but we are confident that his voice will not be stilled. We wish him well in the years ahead. The Brookings Institution is indeed fortunate to obtain his services.

THE NUCLEAR NONPROLIFERATION TREATY—WHY WE MUST ACT

Mr. MONTROYA. Mr. President, this body will soon have before it one of the most basic documents bearing on the continued survival and well being of all people on earth. I refer to the international treaty designed to prevent the spread of nuclear and thermonuclear weapons.

There are some among us, Mr. President, who pretend not to be worried or even apprehensive over the inexorable spread of the capability to create such engines of destruction. It would be kindness to call them people of little vision.

No one can contemplate with equanimity the spread of a technology that deals with mastery of the elementary forces of our world. Especially so in light of our realization that man cannot deal with this knowledge in a morally consistent manner.

Regrettably, we must admit that most nations of the earth are so bound up in nationalism, factionalism, regionalism, and ideological conflict that they cannot objectively view the future and how their knowledge can affect it.

In fact, we must face up to the sobering acknowledgement that there are some nations with a capability to create these weapons, which are at daggers-point with other nations. Should they possess these weapons and face military defeat, they would be almost bound to resort to any extreme in order to survive.

This is particularly true of those powers whose rivalries are so intense, and involve such hatred that military defeat could mean physical or national extinction.

We must face up to the fact that there are countries in the world, recognized as sovereign states, which are led by regimes that can at best be termed irresponsible. There are nations in the world today who would, given the opportunity, use nuclear and thermonuclear weapons without hesitation in order to attain their selfish, limited goals.

There are men in positions of authority who would carry the world up to and over the brink of international annihilation in order to satisfy their egos, cater to their vanity, or swell their pride. If such men have sacrificed their own armies in the past as well as the well-being of entire populations, we have every reason to expect they would care not a whit for the peace and survival of our entire world.

We are in the midst of an age when traditional spheres of influence have become meaningless. An age when each great power maintains a shifting group of client states that often slip their reins to pursue limited goals that can cause international ripples. It is an age when massive infusions of weapons that are obsolete to armed forces of major powers can shift area power balances. It is an age when even a limited amount of leeway can be and is misconstrued by a client state. There is the ever present danger of a client state carrying a super-state over the brink of disaster by pursuit of limited goals. Addition to this equation of nuclear and thermonuclear

weaponry adds an element of menace to the world situation that we cannot allow.

It is imperative that we control smaller states who would create intolerable international situations. It is essential that we prevent such states from coming into possession of weapons that could almost instantly create confrontation. It is all-important to keep heavy hardware out of the hands of deadly little men who put grandeur before peace—glory before security and personal gratification before world progress.

The Nuclear Nonproliferation Treaty would prevent the further spread of these engines of destruction. It would keep such weaponry out of the grasp of these irresponsible hands.

Further, it gives members of the nuclear club a required breathing spell in which to arrive at some type of modus vivendi. The world is now rife with a series of entangling alliances that resemble those that afflicted Europe prior to World War I. Then, as we all recall, actions of smaller states dragged all the powers over the brink of war. There must be a line drawn affecting these weapons and their relationship to these alliances. This treaty would do this. Time is short in the extreme.

Only an international agreement of the sort envisioned by this treaty can prevent the spread of this menace to still other areas of the world. To my mind, there is no choice but one remaining to us.

If we do not prevent the spread of these weapons, they shall end up by destroying us. For a moment, let us contemplate the very real consequences of unchecked nuclear proliferation.

In addition to dangers I have already alluded to, there is the possibility of accident. Can a smaller nation with limited resources afford the safeguards against accident, abuse, or misuse of such weapons? Can it prevent the lunatic, irresponsible or fools from abusing such paraphernalia? I think not. And what about that irresistible urge on the part of all scientists to investigate and tinker with such apparatus?

Think of the tens of thousands of people who would begin to obtain access to such engines of death. Consider the consequences. We are even now junking weapons systems that would tip the balance of power in innumerable areas of the world. These systems must be kept out of the hands of others.

Dangers from all this are played down by some. They say no matter what transpires, we have the hot line. We have instant communications with the Soviets. But is that enough?

In an age when seconds are beginning to count—when we spend billions to obtain a few minutes of warning time—who is going to waste time if there is an unauthorized or immediately unexplainable nuclear or thermonuclear explosion on their territory or on that of a closely allied client state—particularly if that state is in some sort of formal alliance with the superpower immediately affected?

We must, therefore, think in terms of the almost immediate danger our world faces, compounded each time another

nation obtains access to this technology and its fruits.

There are times when we simply must act in the interests of all mankind. This is one of those times. It behooves us to consider this treaty and ratify it with a minimum of delay.

ON RELATIONS BETWEEN THE MOST POWERFUL COUNTRY AND THE MOST POPULOUS COUNTRY IN THE WORLD

Mr. JAVITS. Mr. President, last week-end a Japanese-American parliamentary group met at the Center for the Study of Democratic Institutions at Santa Barbara, Calif., and spent 2 days discussing relations with China. The distinguished junior Senator from Arkansas (Mr. FULBRIGHT), chairman of the Committee on Foreign Relations, delivered a paper at that conference entitled: "On Relations Between the Most Powerful Country and the Most Populous Country in the World."

Because I think that Members of Congress and other readers of the CONGRESSIONAL RECORD interested in the subject of our relations with the most populous country in the world, whatever may be their views, would find the views of the chairman of the Senate Foreign Relations Committee of great interest, and as it is fitting that a new member of the center should do this, I ask unanimous consent that the full text be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ON RELATIONS BETWEEN THE MOST POWERFUL COUNTRY AND THE MOST POPULOUS COUNTRY IN THE WORLD

(Statement by Senator J. W. FULBRIGHT, chairman, Committee on Foreign Relations, United States Senate, meeting of Japanese-American Parliamentary Group at the Center for Study of Democratic Institutions, Santa Barbara, California, January 24-25, 1969)

I

A perceptive commentator has written about ancient China:

"The nation was absorbed in productive industry; the greater part of its scientific processes had been preserved, but science itself no longer existed there. This served to explain the strange immobility in which they found the minds of this people. The Chinese, in following the track of their forefathers, had forgotten the reasons by which the latter had been guided. They still used the formula without asking for its meaning; they retained the instrument, but they no longer possessed the art of altering or renewing it. The Chinese, then, had lost the power of change; for them improvement was impossible. They were compelled at all times and in all points to imitate their predecessors lest they should stray into utter darkness by deviating for an instant from the path already laid down for them. The source of human knowledge was all but dry; and though the stream still ran on, it could neither swell its waters nor alter its course."

That commentator was not someone normally regarded as a China historian or an Asian expert, but a writer known for his observations of America, Alexis de Tocqueville, and he was describing the China Euro-

peans had first seen three hundred years before.

Perhaps his comments could apply as appropriately in describing certain features of contemporary American behavior, for in this latter half of the 20th Century it often seems that, as far as some questions confronting us are concerned, we have lost the power of change and are compelled to imitate our predecessors. And one of the questions of which this is true, it seems to me, is that of American-Chinese relations.

I use the word "relations" for lack of any better term, because, with the exception of sporadic conversations in Warsaw, there have been virtually no relations between the world's most powerful country and the world's most populous country for twenty years. Since 1949, when a communist regime took power on the mainland, our attitude has been one of unrelenting hostility in most respects, met—it should be noted—by at times an equal, and at times an even greater, measure of hostility on the part of China. We saw the communist regime's assumption of power not as a result of the sickness and frailties of China under the nationalists, but as an extension of the Soviet conquest of central Europe, for communism was then regarded, with considerable justification, as a monolithic movement.

It was thus not surprising that the success of the communists in China, following immediately the events in central Europe in the years immediately after the end of the war, dismayed and alarmed the American people. The North Korean attack on South Korea in June, 1950, followed by the intervention of Chinese forces in November of that year, which brought us face to face with Chinese soldiers in combat for the first time in our modern history, was a further shock. Although the cold was had frozen our relations with the Soviet Union by 1950, American and Soviet armies had never fought one another. The first large communist power we were to meet on the battlefield was not the Soviet Union but China.

II

As a result of these events, and the emphasis of the new Chinese regime on spreading "armed revolution", we were to base our policy towards China on certain assumptions. The first of these assumptions was that China was a hostile and aggressive nation which threatened to impose communism on Asia by force, as the Soviet Union had imposed communism on central Europe. The second assumption was that all communist regimes were joined together indissolubly in a conspiratorial compact to conquer the world and that the communist countries should be regarded and treated as a monolithic entity of awesome power and frightening potential. The third assumption, somewhat contradictory to the other two, was that if everything possible was done to weaken China—if sufficient economic and political pressures were exerted—the new mainland regime would fall because it did not have popular support and because Confucianism and communism, like oil and water, would not mix.

These assumptions led us to surround China with military force and to isolate the mainland with every means at our disposal. In the words of Kenneth Young, President of the Asia Society, since 1950 the United States "has treated Peking as an aggressor and outlaw, refused it diplomatic recognition, blocked its membership in the United Nations, prevented its taking over Taiwan, encouraged its 'passing away', isolated it diplomatically and economically, confronted it with overwhelming force, and undertaken military operations along China's west and near China's southern flank."

During the Korean War, we also reversed the decision that had been articulated by

President Truman in a speech in 1950 in which he said that the United States "will not pursue a course which will lead to involvement in a civil conflict in China" and "will not provide aid or advice to the Chinese forces on Formosa." Instead, the United States became Nationalist China's strongest and most active supporter.

In the past few years we have begun to talk about China, and to think about China, in somewhat different terms. But it is only the phraseology that is different. In the words of a former government official who is a well-known authority on China, "... if anything characterizes Washington's attitude toward Peking in the last eight years it is the change in words without a change in policy." Yet our policy has remained unchanged even though the events of the last two decades should have caused us to question the original assumptions on which this policy was based.

As far as the assumption that Communist China is a power bent on military expansion abroad is concerned, I do not see that the present Chinese government has made any serious attempt to expand its territory beyond its present borders. The Chinese forces which fought us in Korea are no longer there, and North Korea has, in fact, become less pro-Chinese and more neutral in the Sino-Soviet dispute in recent years. Nor did Chinese forces remain in India. And in the case of Tibet, the Chinese took over a territory that not only the Peking government but also the Nationalist government and even the Indian government has long regarded as Chinese.

As for communist-led and directed insurrections in other Asian states, China has certainly encouraged and supported these insurrections or "wars of national liberation", but, so far as I am aware, has not participated directly with Chinese combat forces. There have been threats of direct participation, but China has not suited her actions to her words.

Certainly the Peking government hopes that "wars of national liberation" will succeed not only in Vietnam but in Laos, Thailand, Burma and other Asian countries. They have made no secret of their desire in this regard. But a desire to see such wars succeed, a desire which is certainly no stronger than our desire to see such wars fail, is one thing. Ability to insure success is quite another.

Wars of national liberation can be and are supported from the outside, as attempts to defeat them can be and are supported from the outside. But it seems to me that they are essentially home-grown products which sprout from complaints and frustrations and are nourished by government ineffectiveness, disinterest and corruption. The fears which some Asians express of direct Chinese expansion, or of indirect Chinese intervention, often seem to me to be attempts to blame internal infirmities on external factors.

It is doubtful whether China presently could be successful as an expansionist military power even if she desired to be one. While the Chinese have a powerful land army capable of defending the mainland against almost any combination of forces, if mobile forces, strategically positioned, are necessary for expansion, it is we and not the Chinese who have that potential. And if the evidence of a capacity and desire to expand is the presence of a country's troops outside its own territory, what conclusion should be drawn from the fact that the only Chinese soldiers outside China are engineer and air defense units in North Vietnam, while, in Asia alone, we have more than half a million troops in South Vietnam, over 50,000 in South Korea, and some 40,000 in Thailand, as well as naval or air installations in Japan, the Philippines, Taiwan, Okinawa, Guam and elsewhere.

Footnotes at end of article.

EXTENSIONS OF REMARKS

PENDING TREATY ON NONPROLIF- ERATION OF NUCLEAR WEAPONS

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, January 20, 1969

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks the address I made before the West Point Society at Fort Myer, Va., on January 15, 1969.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The remarks are as follows:

REMARKS BY SENATOR GOLDWATER BEFORE
WEST POINT SOCIETY, FORT MYER, VA.

Needless to say, I am very happy to be back in Washington and the United States Senate. I am also happy that I was put on the Senate Armed Services Committee.

Of course, many changes have been made during my four years of absence and many more, as you all know, are about to be made in the near future. One of the alterations on the Washington scene of particular note to me like you and me is the absence of Robert McNamara from the Pentagon.

I have got to say that this absence does not make my heart grow fonder of Mr. McNamara and his policies. Frankly, I am delighted that he no longer has the right to dictate our Nation's defense policy. I only wish he could have taken with him the legacy which he left behind.

But perhaps I was too fast in assuming that Mr. McNamara has relinquished his voice in the affairs of this Nation having to do with defense. I noticed in the papers not long ago that he visited the Soviet Union and discussed with the leaders of that nation the question of the pending treaty on non-proliferation of nuclear weapons.

And that brings me to the subject of my talk here today. I am deeply concerned at the emotional, oversimplified arguments that are being advanced to bring about a speedy Senate ratification of this treaty. What bothers me is that not nearly enough attention is being given to the technical and practical weaknesses of this diplomatic device, to say nothing of its dangerous psychological implications.

Let me take you back for a moment to another treaty with the Soviet Union. That one, negotiated in 1963, was called the Nuclear Test Ban Treaty. It was promoted to an almost hysterical degree by those advocates of accommodation as a "great forward step" in the never ceasing struggle for world peace. In that instance, all technical and factual consideration were swept aside in a wave of optimism generated by one of the sharpest public relations promotions in our history. I would remind you that I, along with most other members of the Senate Preparedness Subcommittee, voted against that treaty.

In opposing that earlier nuclear treaty, I was swayed by the testimony, a lot of it still secret, of scientists and military experts who believed sincerely that the Russians had an ulterior motive in accepting the treaty. It was pointed out that unlike the United States, the Russians had already conducted a series of high magnitude and high altitude nuclear tests and had gained valuable information about the mysterious problem called EMP (electro-magnetic pulse). By pushing through the test ban treaty, the Russians could make sure that the United States would not solve the problems of EMP in the near future. In fact, there are mili-

tary experts today who insist that we will never discover how to solve this problem until the testing ban is abrogated.

Now we are being asked to adopt a nuclear non-proliferation treaty with the Soviet Union and other nations. The arguments are familiar. They are all lofty and noble. They say that the greatest way in the world to avoid a nuclear holocaust is to deter the proliferation of the most horrible weapons ever devised. I ask you who, on the surface, could oppose such an appeal? If we want to take this argument at its superficial face value, then the answer is—no one could oppose it.

But I'm sure I do not have to tell most of you here that this question, no more than the test ban treaty, does not lend itself to quick and easy answers.

To begin with, the treaty is meaningless because two present nuclear powers, France and Red China, will have nothing to do with it. In addition, many nations who presently are on the brink of developing nuclear weapons are likewise among the nonsignatories. These include nations such as India, West Germany, and Israel.

Consequently, we see that the most probable sources of nuclear proliferation in today's world are beyond the treaty's reach.

If there is a reason for ratification of this treaty, it has to be nothing but a token. In other words, if we are interested in trying to tell the world that the United States and the Soviet Union are engaging in meaningless gestures of accommodation, then there might be some excusable reason in the area of hope, humanitarianism or good will. This, of course, assumes that there are no technical disadvantages to the United States in the way the treaty is presently drawn. I believe that there are such deficiencies, and I will discuss them.

But my objection to the non-proliferation treaty at this time has to do more with the effect it might have on foreign affairs generally. Look at what has happened in the struggle between East and West since we ratified the test ban treaty and presumably took a giant step toward resolving our differences. The Soviet Union has repeatedly demonstrated that, far from reducing or being interested in a reduction of world tensions, it has actively and aggressively promoted such tensions on a worldwide basis. Vietnam is a case in point. The Vietcong and Hanoi couldn't have kept up the pace at which they are killing American soldiers for six months without the supplies and support sent to them by our partner in the test ban treaty. The Middle East would not today be the tinder box threatening the peace of three continents if it were not for an aggressive policy of Soviet arming of the Arab nations. The Mediterranean would not today be bristling with Soviet naval power. Czechoslovakia would not have been invaded, nor would Rumania and West Germany be threatened.

No, I tell you there can be no case made in fact for the argument that the Soviet Union is mellowing and that we must further that softening process through the ratification of a nuclear non-proliferation treaty. There is reason to believe that ratification of this treaty at this time would in effect place the U.S. stamp of approval on an aggressive and militant move made by Russia to stamp out human freedom. Members of the Senate I believe will have to ask themselves, if they accept a treaty with the Soviet Union in good conscience, whether they don't also ratify Soviet moves in other areas. Do we dignify Soviet policy, in effect, saying that they are honorable enough to sign a treaty with? Do we, in ratifying this treaty, announce to the world that we are ready to

forget that the Soviet Union has a long, dishonorable history of broken treaties?

These are serious questions which bear directly on the security of this Nation and which the advocates of the non-proliferation treaty would have us skip over in the interest of a word they love to use called "detente."

They don't seem to understand that there can be no accommodation, there can be no true *detente*, so long as the Soviet Union continues to foment aggression and stir up war. A thousand non-proliferation treaties with the Soviet Union will not wipe out actions such as the invasion of Czechoslovakia.

I presume by this time you understand that I am opposed to Senate ratification of the nuclear non-proliferation treaty at this time.

Now I want to go into some of the technical and practical aspects of this treaty.

A close examination of the possible effect leads to the conclusion that a definite possibility exists that if this treaty is ratified, some 100 non-nuclear nations may construe it as giving rise to a commitment of the United States to provide immediate military support in case of a nuclear attack or the threat of a nuclear attack against any such nation.

It will be remembered that President Johnson and Secretary McNamara declared in 1966 that nations not seeking nuclear weapons can be sure of our strong support against nuclear blackmail.

In addition, during 1968 the United States, the United Kingdom and Russia each issued similar declarations of intent to act immediately through the Security Council of the United Nations to assist any non-nuclear party to the treaty that becomes a victim of nuclear aggression or threat.

Another weakness of the treaty is that it would provide no safeguard which would go into effect simultaneously with the application of the treaty. The safeguards for verification of compliance would not be negotiated nor established until after the treaty enters into force and need not be concluded for two years thereafter.

The inspection phase of the treaty would be entrusted to the International Atomic Energy Agency which has no proven inspection skill. Even if adequate safeguards could be developed, the agency is limited under the treaty to declared nuclear facilities. There is no provision for searching out clandestine facilities. Nor does the treaty impose any penalty or sanction on any nation that violates the treaty.

Another thing the treaty would do would be to surrender our strategic options of placing strictly defensive nuclear devices in the control and custody of our allies. Under this option, our allies both in Europe and Asia conceivably would be able to secure their local defense without immediately triggering the intervention of the United States.

Interestingly enough, the Soviet Union violated the treaty by its invasion of Czechoslovakia while the document was awaiting action in the U.S. Senate. The preamble of the treaty declares that "states must refrain in their international relations from the threat or use of force against the territorial integrity of political independence of any state."

One of the most exhaustive studies of this faulty treaty was prepared by Dr. Walter B. Wentz of Claremont Men's College. He raised this interesting point about article III of the treaty. This is the only article which deals with inspection and control and it applies, Mr. Wentz emphasizes, only to "fissionable" material. He points out that the day is not far off when nuclear explosions will be achieved by direct fusion without the pre-

liminary trigger of fissionable uranium or plutonium.

These are the basic reasons why I plan to oppose this treaty if and when it is brought up for ratification in the U.S. Senate. I believe it contains absolutely no value in the field of deterring the spread of nuclear weapons. I believe it can only place this Nation in a false and uncomplimentary light throughout the world if it is adopted.

THIS IS ANNUAL PRAYER WEEK

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 20, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the January 18, 1969, edition of the Washington Daily News:

THIS IS ANNUAL PRAYER WEEK

(By Louis Cassels)

Protestants and Catholics around the world will observe their annual week of prayer for Christian unity for one week, starting tomorrow.

This period of joint prayer is at once a testimonial to how far Christians have come down the road to reunion, and a reminder of how far they still have to go.

After 10 years of dramatic progress, during which Catholics and Protestants moved from a state of cold war to at least the threshold of brotherhood, the ecumenical movement seems to be slowing down.

This may be a necessary and constructive phase—a pause for consolidation of gains.

SYMPTOM

But it also could be a symptom of distraction.

Catholics are preoccupied with internal dissension over birth control and the exercise of authority in the church.

Protestants are embroiled in controversy among themselves over what role the church should play in trying to remedy the ills of the world thru direct political and social action.

Much of the energy and dedication formerly channeled into the ecumenical movement is now being diverted into these intramural disputes.

The ecumenical movement also is being hurt to some degree, perhaps a serious one, by the spirit of anti-institutionalism which is endemic among educated young people today.

Many of the younger clergy and laymen, who might be expected to display the greatest fervor for the ideal of unity, actually tend to be disdainful of moves toward organizational union, which they regard as mere tinkering with institutional machinery.

MERGER PLAN

This attitude is causing particular concern to leaders of the Consultation on Church Union, the forum in which 10 major Protestant denominations are trying to agree on a merger.

After seven years of negotiations, COCU is approaching the day when it can offer to its constituent denominations a detailed plan for coming together in one great new church.

While the plan has been difficult to work out, the greater difficulty will be selling it to the 25 million members of the participating denominations.

Recognizing that middle-aged and elderly people naturally tend to shy away from any change in familiar ways, COCU leaders feel the only hope for putting the merger across lies in enlisting the enthusiastic support of the younger clergy and laity who are receptive to change.

Thus far, however, there is no indication that the proposed merger is generating much excitement among the young.

While indifferent toward the redrawing of institutional lines, many young people are intensely concerned with establishing warm human relationships with members of other denominations.

COMMON GOALS

They have found that Christians can love and respect each other, work together toward common goals, and attain a strong sense of community without wearing the same label.

A large number of them also are convinced that the urgent need right now is to renew the church, all branches of it, with each person working at the task of renewal in the particular corner in which he happens to find himself.

Reunion, they believe, can afford to wait on renewal, and will tend to follow it quite naturally.

The founding fathers of the ecumenical movement saw it the other way around. They looked upon unity as a source of new vitality.

What both views have in common is the institution that reunion and renewal go together. The church can't achieve one without the other.

A SALUTE TO OUR PRESIDENT

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 16, 1969

Mrs. HANSEN of Washington. Mr. Speaker, as I join my colleagues today in a salute to our President, who is leaving us, my first thought is, "Thank you for the privilege of serving with you here in Washington during these great and challenging years of change."

The second thought I have is that no one has been more responsible for change on the face of America or in its aspirations during this second half of the 20th century than Lyndon Baines Johnson.

But I would like to remind my colleagues that change has been so sharp and change has been almost so unexpected that the drumbeat of its transition has perhaps been louder than the measure or successes from the trumpets of accomplishment.

We have known frustrations, we have known rebellion, dissent, anger, hate. We have also known success, the pride of knowledge that we have made a beginning for solutions.

Yes, there will be continuing anger; yes, there will be future frustration. Change itself dictates turmoil. But I am happy that I have had the opportunity to serve with a man who, as President of the United States, faced the challenges and did not turn his back for political expediency but acknowledged the problems and tried to do something, unpopular though many efforts appeared.

Almost as a testimonial to this service is an article by a college student from the University of Maryland, who has said in his editorial, "Two Cents Worth—A Farewell." I would like to place this in the RECORD for my colleagues to share and contemplate:

TWO CENTS WORTH—FAREWELL TO THE UGLY OLD MAN

(By Dave Bourdon)

We called him a nigger-lover.

We called him a lot of other things, too:

he was a racist, a liar, a fool and a murderer. It is probably fair to say that no man in history was ever so openly reviled as Lyndon Baines Johnson.

And why not?

To begin with, we didn't want him. We had the president we wanted: he was young, he was good-looking and, most important of all, he was (after he was killed, of course) loved by the people.

And then, just like that, he was gone. And in his place was a slow-talking ugly old man.

We were fair; we gave him a chance. But the ugly old man didn't produce. He didn't obliterate racism, he couldn't stop crime in the streets and, perhaps worst of all, he chose to fight a war that almost all of us backed in the beginning and then he didn't win it.

Maybe he tried. Time after time he begged us to forgo violence. Time after time he pleaded with us to destroy racism. Time after time he ignored the tremendous pressure to either surrender to or completely demolish the enemy overseas.

But God, he was so awful on TV! He'd come on the tube with that ugly puppy-dog face of his and he'd drawl out all this gibberish about his dreams for a great society.

From a Kennedy it would have sounded dynamic. But from the ugly old man it was just so many words, and we'd flip the switch wondering who the hell he was trying to fool. Take him seriously? Don't be ridiculous!

We elected him in '64, but it wasn't our fault. After all, wasn't he "the lesser of two evils?" Well, maybe we put him in office, but that didn't mean we had to support him.

But we didn't sit still. No sir. We hit him and we hit him good. Lady Bird wanted to beautify America? Ha-ha! Start in the family! "Where are you, Lee Harvey Oswald, now that we need you?" Yeah, that was a good one.

A game company put out a dart board with his face on it. When the ugly old man had the audacity to go to church, a minister gave him a sermon on the immorality of his war (it was his now). And we came up with fifty cheers like "Hey, Hey, LBJ, how many kids did you kill today?"

But he deserved it, all of it. Because we were ready to go at it at this time, we were choosing up sides. Black vs. white, liberal vs. conservative, poor vs. rich, hawk vs. dove, young vs. old.

And where was the ugly old man at a time like this? Where was our leader, in this time of crisis?

I swear to you, there he was, standing in the middle of the road! Pleading for reason! Begging for temperance! Asking that we work together for justice!

He never had a chance.

He even went so far as to say that he wouldn't accept the presidential nomination because he wanted to work for peace and unity. It caught us by surprise, but we recovered quickly enough.

There he was again, lying as usual. Peace and unity, my eye! The only reason he wasn't running was because he knew he couldn't win. And a lot of us knew damn well that it was all a big hoax, that he'd run again. Anyway, the whole plan backfired on him.

So he's gone now, and we're free, free at last! Free to fight! Free to hate! Free to rip the guts out of each other! Because the ugly old man is finally leaving.

One thing is for sure, a country like this didn't deserve to get stuck with a president like that.

Or maybe it's the other way around.

As I conclude my remarks, I would also like to quote from a recent newsletter which I have sent out.

On Tuesday night President Johnson delivered his State of the Union message or I might call it his Farewell Address to Congress. The House Chamber was full to overflowing and every inch of standing room in the galleries was occupied.